

ONE HUNDRED AND SIXTH DAY
Friday, 12 April 1946

Morning Session

[The Defendant Kaltenbrunner resumed the stand.]

DR. KAUFFMANN: Mr. President, yesterday the case of Sagan was dealt with by the defendant, but regarding his own participation he said only a few sentences. The Prosecution are assuming that he was an immediate participant even before the fliers had been shot. The two witnesses, Westhoff and Wielen, in my opinion, produced evidence in favor of the defendant, and I am now asking the Tribunal to tell me whether the defendant may have permission to speak in detail regarding the manner in which he was actively involved in the affair, or whether the Tribunal is satisfied with the treatment this problem has been given.

THE PRESIDENT: The Tribunal think that if the defendant has knowledge of the facts connected with it, he had better give them. He need not give them in any greater detail than is necessary, but in view of the evidence of the witness Wielen, I think he ought to deal with it.

DR. KAUFFMANN. *[To the defendants]* You stated yesterday that you heard about the Case Sagan for the first time after the event had taken place. Do you maintain that position today?

KALTENBRUNNER: Yes.

DR. KAUFFMANN: In what manner did you become acquainted with the Case Sagan later on, and what did you do about it?

KALTENBRUNNER: I was never officially informed of Case Sagan, but roughly 6 weeks after this event I received knowledge of it. At the time these fliers escaped and at the time the orders were given—which in my opinion went this way: Hitler-Himmler-Muller-Nebe, or possibly Himmler-Fegelein-Nebe—I do not know, as at the time I was not present in Berlin but was in Hungary and, with a number of stops, finally finished up in a visit to Minister Speer in Dahlem. On 2 or 3 April I returned to Berlin. Up to that time, no one had informed me of it. The first time I heard of the affair was when the Foreign Office made complaints, or rather, demanded from Nebe and Muller that the case should be clarified so that they could answer a note which, I believe, had been sent to the Foreign Office by the protecting power.

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The description of the witness General Westhoff is, in my opinion, misleading. I think he said something about mentioning the Case Sagan approximately 4 weeks after the shooting, during another

conversation with me. I think that it was at least 6 weeks afterwards. It should be possible to ascertain when the Foreign Office made that inquiry. Then it would be possible to ascertain the exact date.

DR. KAUFFMANN: Later on, when you talked to Muller and Nebe, what was devised as a camouflage for this matter and what was thought of?

KALTENBRUNNER: No camouflage was devised nor discussed in our office, but when Muller and Nebe said that they would have to reply to the Foreign Office's inquiry and in that connection informed me of that dreadful order for the first time, I asked them who had given that order and they replied, "Himmler." I told them that they ought to get in touch with this superior immediately and ask him how the case should be dealt with further. I refused to have any connection with that matter. It had been unknown to me up to that time, and I considered it a dirty affair.

DR. KAUFFMANN: But was it not mentioned fin that connection that it would be said that the fliers had lost their lives through bombs or that they had been shot while trying to escape? What do you know in that respect? The witness Schellenberg has stated that there were such conversations.

KALTENBRUNNER: Such words may have been said, yes. It has been described here how the large-scale searches were handled; and in connection with these manhunts, there were shootings. Even Germans were shot in that connection. An SS Oberfuehrer in Alsatian territory was shot when he did not answer a stop signal at a road block which had been erected in the course of this search. Two or three of the fliers were killed by bombs, as I was told. I think that was along the Baltic coast in Kiel or Stettin, and I understand that two Criminal Police officials also lost their lives in this accident. Their widows received pensions subsequently. That is something that ought to be ascertainable. In this connection bombing and losses through bombing were certainly mentioned, but a camouflage of the whole affair was not discussed in our office; in any case the answer was prepared by Muller, Nebe, and Himmler, in Himmler's headquarters. I know that immediately after the inquiry from the Foreign Office these two left by air for Himmler's headquarters.

DR. KAUFFMANN: Are you trying to say then that the statement according to which these fliers had lost their lives by bombs, or had been shot while escaping, did not originate from you?

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KALTENBRUNNER: No, certainly not; it did not originate from me.

DR. KAUFFMANN: With reference to the church policy of Department IV, the Prosecution are charging you with the following: So-called Bibelforscher, or International Bible Students, had often been sentenced to death on the strength of their inner convictions, only because they refused to serve in the war in any way. My question to you is this: Do you know of this state of affairs, and in what manner did you participate in that matter?

KALTENBRUNNER: German jurisdiction used as a basis for proceedings against this sect of International Bible Students was the law for the Protection of the Defense of the German Nation.

Under this law any one who was interfering with German defense strength by refusing to serve in the forces could be penalized with detention or death. According to this law, military as well as civilian courts pronounced even the death sentence also against these International Bible Students. Death sentences, of course, were not pronounced by the Secret State Police.

In this connection it was often spoken of as an unjust harshness against the attitude dictated to these sectarians by their creed. I approached the Party Chancellery as well as the Ministry of Justice and Himmler and Hitler during my reports, and pointed out these facts to them; during several conferences with Thierack I demanded that this kind of jurisdiction should be discontinued. As a result two things were done. On the occasion of the first conference, after Thierack had made an inquiry at the office of Bormann and Hitler whom he evidently did not see personally, a directive was at once issued to the Public Prosecutors' offices stating that sentences which had already been pronounced were to be stayed.

During a further conference another step was taken, which was that the public prosecutors in general were given instructions not to demand the death sentence any longer.

The third step was that International Bible Students were no longer brought before the court.

I consider it a definite success of my personal intervention with Thierack—which later had been discussed with Hitler himself—that this jurisdiction against these sects was completely abolished.

DR. KAUFFMANN: I am now submitting a Document 1063 . . .

KALTENBRUNNER: May I supplement my statement by saying the following: These developments and this alteration of German law became also known abroad at that time. I remember quite well that a very well-known Swedish medical man thanked me personally and stated that this deed had been well received in Sweden.

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THE PRESIDENT: This really is an unnecessary detail about what happened with some Swedish person outside of Germany, as to what they thought of his actions.

DR. KAUFFMANN: Yes.

I am now coming to Document 1063(d)PS, Exhibit Number USA-219. This is a directive from the Chief of the Security Police and SD, dated 17 December 1942. It is a secret letter, and it is addressed to all commanders of the Security Police and SD; and it goes for information to Pohl, to the Higher SS and Police Leaders, and the inspectors of concentration camps. It is a directive according to which at least 35,000 persons capable of work are to be transferred to concentration camps by the end of January 1943 at the latest. The letter is signed by Muller.

I am asking you, do you know of this letter, or do you know of any such affair at all?

KALTENBRUNNER: I neither know the letter, nor do I know about the affair.

THE PRESIDENT: Will you give us the number again?

DR. KAUFFMANN: Document 1063(d)PS, Exhibit USA-219.

KALTENBRUNNER: From the date of the letter, it becomes apparent that this was written before I came into office. It was not made known to me afterwards either. The signature is "Muller," who acted on Himmler's behalf, as is shown from Line 2. It is a typical case, which proves how unlimited Muller's authority was and the extent to which he enjoyed confidence, if he could issue a decree like this.

I gather from the whole content of this letter-it refers to a day at the end of January 1943-that it is impossible that this affair had been reported to me.

DR. KAUFFMANN: The Prosecution hold you responsible in the following connection: There was an agreement between the former Minister of Justice Thierack and Himmler, dated 18 September 1942, according to which Jews, Poles, and so forth, were to be subjected to penal police proceedings Instead of being dealt with by ordinary law courts. I ask you: Did you know of this agreement; and, if so, what attempt did you make so as to reinstate ordinary law proceedings so far as that was possible?

KALTENBRUNNER: Such an agreement between Thierack and Himmler is not known to me. As you said, it was made in the autumn of 1942, I believe. But repeatedly, again and again, I worked towards the end and submitted proposals that all police courts should be done away with in favor of proper law proceedings. I am legally trained, and for that reason I have more respect for the

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courts than Himmler. This was one of the main reasons why we never understood each other, and it was one of the main reasons for differences which cropped up even during our first discussions in 1942 at Berchtesgaden.

I cannot understand Thierack either, his making such an agreement with Himmler, because later on, as I know myself, he repeatedly spoke against the police court system.

DR. KAUFFMANN: I now come to the question of whether you had knowledge of the destruction of the Warsaw Ghetto, which was carried out in 1943. A report is available on this from the SS and Police Leader in Warsaw, whose name was Stroop. The report is addressed to the General of the Police Kruger, and refers to the so called solution of the Jewish question in Galicia.

Now I ask you: When did you hear of this solution of the Jewish problem in Galicia, and did you exhaust every possibility so as to possibly prevent that solution?

KALTENBRUNNER: First of all, in this connection, I must state that I perhaps did not know enough about the tremendous instrument of power which Himmler had created by putting under his direct command the Higher SS and Police Leaders, in the occupied territories. For SS and Police Leaders, Stroop in this case, were subordinated to the Higher SS and Police Leaders-in this connection for instance, General Kruger in the Government General. No department in the Reich was informed of or participated in any action, neither before nor afterwards, which was ordered by Himmler through Kruger to Stroop. Certainly, Berlin did not know anything of such an order in advance.

Afterwards-I cannot tell you how long afterwards-they wrote and talked regarding the Warsaw Ghetto both in this country and abroad. Most serious accusations were made in foreign countries.

Yesterday, I started to state here that in this connection I had delivered to Reichsfuehrer Himmler the first file documents which I had in my possession on his measures and policies. I did that after reporting to the Fuehrer in November 1943. On that occasion I certainly talked to him about Warsaw, too, since for one thing, he and his "final solution of the Jewish question" were being criticized abroad.

DR. KAUFFMANN: When was the date of that report in comparison to that action against the Jews in Galicia?

KALTENBRUNNER: I cannot remember when that action was. My reports, first to Hitler and a day later to Himmler, were in November 1943.

DR. KAUFFMANN: I now come to a document which has already been mentioned by the Prosecution, Document L53, Exhibit Number

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USA-291. The Prosecution hold the defendant, as Chief of the Security Police and SD, responsible for the cleansing-as it is put- at Security Police and SD camps and concentration camps. This document is a letter from the Commander of the Security Police and SD at Radom, dated 21 July 1944, according to which the Commander of the Security Police and SD in the Government General had ordered that all the prisons which are mentioned must be cleansed and that their inmates must be liquidated. Look at this document, sender and signature, and then make a statement in this connection particularly regarding the question of whether you knew of these events.

KALTENBRUNNER: I draw your attention to what I have just said. This channel of command falls into the jurisdiction of the Higher SS and Police Leader for an occupied territory. The channel for orders-Himmler, Higher SS and Police Leader, his expert, Commander-in-Chief and commander of the Security Police and SD-that channel has nothing whatever to do with the centralized channel of orders coming from Berlin.

DR. KAUFFMANN: In other words, you want to say that these Higher SS and Police Leaders were immediately subordinate to Himmler?

KALTENBRUNNER: Yes, indeed.

DR. KAUFFMANN: Do you also want to say that you as Chief of the RSHA had no possibility of interfering with orders and directives of such Higher SS and Police Leaders?

KALTENBRUNNER: It was out of the question for they were immediately subordinate to Himmler. There was no other way for opposing such men, as is quite obvious from the interrogation of the Defendant Frank. Repeatedly I have of course received information about wrongdoings and crimes committed through these channels of orders. For instance, Kruger in the Government General was most

violently attacked by me. It was due to me, too, that Kruger was removed from his position in Krakow, a fact which must also be shown by Frank's diary.

DR. KAUFFMANN: I now turn to another document-Number 1573-PS, Exhibit USA-498. The Prosecution are holding the defendant as Chief of the RSHA responsible that, under alteration of existing methods, slave workers had been used in the armament industry. This document before us is a secret order, which once again is signed by Muller. It is addressed to all police service departments. The date is 13 June 1941. The order refers to measures against emigrants and civilian workers from Russian territories. It states that for the prevention of their unauthorized return and any interference on their part, the persons concerned will be arrested if

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the occasion arises. Until further notice these people cannot change their place of residence unless they receive permission from the Security Police; and if they leave their place of work without this permission they will be arrested.

Were such events known to you?

KALTENBRUNNER: No. In this respect, too, I can only point out that this is an order from Muller which was given 1 1/2 years before my appointment. Muller, receiving orders from Himmler directly and enjoying tremendous power and authority, saw no reason to inform me of this, even later on.

DR. KAUFFMANN: How can you explain it that Muller was in a position to exercise such power, and that even during your term of office, 194345, this state of affairs continued without your having the possibility of stopping the man? Therefore I now ask you: Was it generally known to you that Muller had this power? In this connection, will you tell the Tribunal what the size of Department IV of the Secret State Police was and how it might be explained that you were not informed about those hundreds or even thousands of orders and instructions?

KALTENBRUNNER: Muller was the Chief of the Secret State Police Department. I do not know when he was appointed, but I must assume that it must have been in 1933, 1934, or at the latest 1935. But much earlier, as I know today, he had the closest contact with Himmler and later with Heydrich. He came from the Bavarian Landespolizei, where Himmler met him. He had his personal confidence for at least 12 or 15 years. He participated in and carried out, with him, every action which in the domain of State Police Himmler ordered in his eagerness for power or in pursuance of his aims as Chief of the German Police. This confidence I might say was continually Increased for 12 or 15 years and remained unshaken to the very last days of the war. Muller also remained in Berlin after he had the order to remain with Himmler. Himmler relied on him as his blind and trustworthy instrument.

THE PRESIDENT: Dr. Kauffmann, the question that you have put to him, or the questions which you put-you put several-he does not seem to be answering. The main question was whether he knew of these actions of Muller. He is giving us a long speech now about how much confidence Himmler had in Muller. He has not said anything else yet.

DR. KAUFFMANN: Mr. President, I think that this question particularly ought to be dealt with at some length, because what the Gestapo and Muller are being accused of, is what Kaltenbrunner is accused of as Chief of the Gestapo.

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THE PRESIDENT: What I was pointing out to you was that you had asked him several questions in one, and the main part of the question was whether he knew that Muller had these powers and was exercising them.

DR. KAUFFMANN: Answer that question right now briefly and clearly.

KALTENBRUNNER: The relations between Himmler and Muller were so direct that there was no cause for him to give me any reports. I had no knowledge, and as early as December 1942 Himmler stated clearly that the chiefs of Departments IV and V were his immediate subordinates, as had been the case since Heydrich's death.

DR. KAUFFMANN: Now It is going to be put to you that, based on certain statements of witnesses and other evidence, it must be assumed that conferences of department chiefs must have taken place between you and Muller, and that it appears improbable that you were not aware in general of the things which Muller decreed. Is that accusation justified?

KALTENBRUNNER: It appears to be justified, but it is not. What is called a conference of department chiefs here, was a joint luncheon which was not taken every day but let us say three or four times a week, a joint luncheon of adjutants, department chiefs, and any guests who might have been in Berlin at the time. That personal atmosphere alone made it impossible that internal or rather secret events might have been discussed in front of all these people.

DR. KAUFFMANN: In 1943 and the following years, were you always in Berlin—or I think I had better say—were you mostly resident in Berlin? Or did your work as Chief of the intelligence service make it necessary for you to leave Berlin often?

KALTENBRUNNER: I was frequently absent from Berlin. I think I can say that half of all the working time was spent away from Berlin. I was constantly in Berlin only from the moment the headquarters were transferred there.

DR. KAUFFMANN: When was that?

KALTENBRUNNER: That was in the months of February and March 1945. I was not in Berlin even in April 1945 in two long periods from 28 March until 15 April, then from 19 April until the last day of the war. During the years 1943 and 1944 I did not come to Berlin until May 1943, because up to that time I had my own services in Vienna to reorganize so that they could be transferred to Berlin. I think only once during the first or second week in February 1943 did I stay in Berlin so as to pay visits, and from the middle of February 1943 to February 1945 I was away on trips for

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at least half the time. I have covered more than 400,000 kilometers by plane and car in my duties.

DR. KAUFFMANN: What were your activities when you were absent from Berlin? Did you have no direct contact with Muller during that time?

KALTENBRUNNER: Certainly not with Muller. During all these journeys of mine in the entire Reich, I never entered one single service department of the Secret State Police. An exception is the Secret State Police office in Linz where my family was living for a short while and from where I could send teleprints to Berlin; taking advantage of the Local State Police office for purely technical reasons. I had no other teleprint facilities there.

DR. KAUFFMANN: I am now going to discuss an affair of which you are accused by the Prosecution. In a few words, these are the facts concerned: During the suppression of the revolt in Warsaw in 1944, inhabitants of the city of Warsaw were taken to concentration camps. The Prosecution put the figure at about 50,000 to 60,000. Further deportations are supposed to have ceased due to an intervention of the Defendant Frank with Himmler, you personally having been involved by the fact that Defendant Frank and his State Secretary, Buhler, had asked you to get these people out of the concentration camps and return them to their homes. To begin with, I ask you, did such a conference on that subject take place in your office?

KALTENBRUNNER: A conference between Buhler and myself took place. The subject was something quite different and I am asking you to let me state it clearly. The so-called uprising of Warsaw was quelled in a purely military action. I think that this fight took place under the command of the chief of the anti-partisan units, Von dem Bach-Zelewski. I do not know which fighting units he was commanding, but I must assume that there were mixed troop units of the Armed Forces and the Police. Any participation of my office in this purely military action is out of question from the start. What Himmler and the troop units did with the prisoners was naturally not reported to me. The reason why Buhler came to see me was quite a different one. Frank, I think, for 1 1/2 years or even longer, had been trying to get Hitler to employ a different policy in the Government General. Frank was in favor of increased autonomy for the Polish people. In October 1944, I think on the occasion of a Polish National holiday, Frank had been planning to announce the increase of their autonomy. Hitler's refusal, in which he was encouraged by Himmler, and also other factors, was apparent. Therefore he sent Buhler to me with the proposal that I should make suggestions through the information service to the same end, that is, the participation of the Poles in the district administration and in

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the high positions of the Government. I promised Buhler both these things. He went on to say, "On this occasion Frank wants a generous amnesty to be pronounced in Poland and that includes the release of the prisoners from the Warsaw uprising. Can't you help us with that?" I asked him, "Where are those

prisoners?" He replied, "Himmler has, at all events, sent them to prisoner-of-war concentration camps." My answer could only have been, "Then he must have employed them in any case in the armament Industry and it will be hard to get them out from there, but I shall favor an amnesty." According to my knowledge that was the state of the case.

DR. KAUFFMANN: Would it have been possible for you to bring about a release by asserting your full influence?

KALTENBRUNNER: No, during the time I was in office, as I have repeatedly stated during interrogations before the Trial, I have received at least 1,000 individual applications for release and every single case was put before Himmler or sent to him-put before him mostly, since I put them in my report file and discussed them with Himmler during my periodical reports to him. In perhaps two thirds of all the cases I was successful to the extent that he arranged a release. But to such an extent as Frank wanted to achieve from Himmler with the help of Bubler, I never had the possibility of making a decision or of bringing about a decision; that was entirely in Himmler's hands and was determined by the policy which he and Hitler agreed upon regarding Poland.

DR. KAUFFMANN: I now put before you a statement from the witness Schellenberg. On 3 January this witness stated before this Tribunal that the evacuation of the Buchenwald concentration camp had been ordered by Kaltenbrunner. "Kaltenbrunner," he said, "had stated yes, this is correct; this evacuation is due to a Fuehrer order which had been confirmed to him, Kaltenbrunner, by the Fuehrer." Can you give an explanation of this?

KALTENBRUNNER: The statement is quite definitely incorrect. It is incorrect by the mere fact that Hitler quite definitely never ordered an evacuation or a non-evacuation of concentration camps. Such an order could only originate from Himmler.

THE PRESIDENT: Was there an affidavit or did he give the evidence-Schellenberg?

DR. KAUFFMANN: It was a statement of a witness.

THE PRESIDENT: It was given in evidence, was it?

DR. KAUFFMANN: Yes, it is a statement of a witness on 3 January.

THE PRESIDENT: Yes.

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DR. KAUFFMANN: But, then, who did actually give such an order?

KALTENBRUNNER: It could certainly have been an order only from Himmler himself. The channel of command is quite clear: Himmler, Pohl, Clucks, and the camp commandant. It is not impossible that Himmler may have given the order direct to the commandant of the camp. That I do not know.

DR. KAUFFMANN: I want to interpose a question. Did you gain knowledge of this order?

KALTENBRUNNER: No, I neither heard of it nor could these orders be in any way connected with me, since I had ordered exactly the contrary regarding Mauthausen. I shall explain later why, in the case of Mauthausen, I was able to give an order for the first and only time. It has to do with the powers given to me on 19 April 1945. Until then, I never had any possibility at all of giving any such order in the name of Himmler.

DR. KAUFFMANN: In the same connection I am mentioning the statement made 3 January by the witness Berger. I read one or two sentences:

"The commandant of Dachau"-says Berger—"or his deputy, telephoned about 12 o'clock and stated to me that he had received this order, that is, the order for the evacuation from Kaltenbrunner after he had been summoned by the Gauleiter of Munich, the Reich Commissioner."

I ask you: Do you know anything about the evacuation of Dachau?

KALTENBRUNNER: No. This statement of Berger must be doubted quite definitely because he was the man who had been given full authority by Himmler, concerning Bavaria and all the territory west of it. That was given to him the same day I received full power regarding Austria. Therefore it would be for me...

DR. KAUFFMANN: Did the concentration camp at Dachau come under Berger's sphere of power just mentioned by you, or did it

come under your sphere of command?

KALTENBRUNNER: Since Dachau is near Munich in Bavaria, of course it was only Berger's sphere of command.

DR. KAUFFMANN: Was Dachau evacuated at all?

KALTENBRUNNER: I do not know; I have never been to Bavaria after 19 April.,

DR. KAUFFMANN: The witness refers to the date 23 April 1945, or a little later, he says.

KALTENBRUNNER: Yes, I forgot about that.

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DR. KAUFFMANN: Where were you at that time?

KALTENBRUNNER: On 19 April, at 3 o'clock in the morning, I left Berlin and went via Prague to Linz, my goal being Innsbruck where I wanted to meet Burckhardt's representative again. From that moment onwards, I no longer had any connection with Berlin nor did I ever set foot on Bavarian soil or give orders there. My sphere of duty stopped at the Austrian border.

DR. KAUFFMANN: How can you explain such a statement?

KALTENBRUNNER: The only way I can explain it is that this must be a mistake and if I am put face to face with Berger, I am completely convinced that it can be cleared up.

DR. KAUFFMANN: Could it have been an evacuation order bearing the signature of Himmler?

KALTENBRUNNER: Certainly; perfectly possible.

DR. KAUFFMANN: Among other things you have been accused by the Prosecution of having committed a crime against peace. Will you tell the Tribunal whether you did anything, and if so, what during your time of office, to bring the war to an end?

KALTENBRUNNER: I started my duty on 1 February 1943. The situation which I found in the Reich was such that on this day-to be more exact, 2 February 1943, with the case of Stalingrad-it was my conviction that the war was to be regarded as absolutely lost for Germany. The conditions which I found, coming from a completely different atmosphere, from Austria, only confirmed this point of view. I recall that I paid my inaugural visit to Under Secretary of State Luther in the Foreign Office-I think it was on 2 or 3 February. I talked to him from half past 11 in the morning until 2 o'clock in the afternoon, suspecting nothing. We were talking about foreign political intelligence tasks which we would have to carry out together. At 4 o'clock in the afternoon the same Under Secretary of State Luther was arrested by the Gestapo and taken to a concentration camp.

I do not think I can explain with a more drastic example the situation in which I was put and how such events...

THE PRESIDENT: What is this in answer to? What is the question it is in answer to?

DR. KAUFFMANN: You ought to come to the point a little more quickly. The question was what you did to bring the war to the quickest possible end? ~

KALTENBRUNNER: I could quote a lot of factors in this connection. My first effort was in the spring of 1943; I think it was even in February 1943, when I favored a considerable alteration of

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the church politics in order to win the Vatican for the first peace mediations. That was my first effort in that direction.

DR. KAUFFMANN: I now mention the name Dulles. Did you have direct or indirect contact with him and what was the purpose of your taking up those connections?

KALTENBRUNNER: Yes, I was in contact with him, namely, through Hottl. Since May 1943, I won over step by step, Hottl and other Austrians who were politically in the opposition, and learned of their peace feelers directed to foreign countries. Through these channels I heard of Roosevelt's representative for central Europe. I think he was his economics expert, a Mr. Dulles, who was reported as being in Switzerland.

DR. KAUFFMANN: I want to interpose a question in that connection. What would have happened if Hitler or Himmler had heard of that attitude of yours?

KALTENBRUNNER: My order to Hottl and my knowledge of his activity was, if you interpret it strictly, high treason since the Fuehrer's views were known to me at the time. They were that there should be no contact regarding peace and no discussions about peace. Hitler changed his opinion only on 15 April 1945 in a discussion with me in the presence of a certain Wolf.

DR. KAUFFMANN: In the course of this so-called peace policy which you have described, did a representative make journeys to Switzerland so as to make contact with the so-called Mr. Dulles?

KALTENBRUNNER: Yes, there was a large number of journeys, and indeed not only by Hottl but by several other persons. For instance, I point out a discussion which I had with a Count Potocki, whom I asked to get in touch with such circles and forward the same information to Anglo-American circles in Switzerland.

DR. KAUFFMANN: I think we can leave this subject. In my opinion you have related the essential parts.

KALTENBRUNNER: These were not the only attempts, there were numerous others.

DR. KAUFFMANN: I now come to your relations with the President of the Red Cross, Professor Burckhardt, and I ask you: Is it true that you had a conference with Professor Burckhardt in 1945 with the aim that camps-prisoner-of-war camps and concentration camps-should be opened to the Red Cross so that medical supplies could be taken into these camps? ~

KALTENBRUNNER: Yes, I tried for a long time to achieve this with Burckhardt. I was helped by the fact that he himself had asked for a meeting with Himmler. Himmler, however, did not get Hitler's permission for such a meeting because he was, at the time,

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the COMMANDER-in-Chief on the northern front of the Vistula River. A meeting with Burckhardt could have taken place only there at the front. I tried, therefore, to take it upon myself to arrange a meeting between Burckhardt and a responsible personality in the Reich. After a lot of ado and in spite of many difficulties I succeeded. A private meeting Burckhardt was held on 12 March.

DR. KAUFFMANN: Did you come to an agreement, and within this agreement was any help really given and in what manner?

KALTENBRUNNER: Yes, considerable help was given. An agreement was reached, according to which all foreign civilian internees, with the help of the Red Cross, were to be taken from all camps in the Reich and released to their home countries. But in the first place, by granting Burckhardt's request during these discussions I achieved the aim that the leading departments of the Reich were involved to

such an extent that they could no longer detach themselves from this agreement, and I think that was my greatest success with Burckhardt.

DR. KAUFFMANN: Is it true that to get about 3,000 French and Belgian civilian internees through the front line at that time, you got in touch with General Kesselring's headquarters?

KALTENBRUNNER: I sent a wireless message to the headquarters asking that as soon as the Americans and British would agree to this, it should also be allowed by the Germans that such internees go through the fighting lines.

DR. KAUFFMANN: That is enough.

THE PRESIDENT: Dr. Kauffmann, he said 12 March but he did not give the year.

DR. KAUFFMANN: I do not understand--Yes, 12 March.

THE PRESIDENT: What year?

DR. KAUFFMANN: 1945.

[Turning to the defendant.] What is the total number of people who, due to your intervention reached their homeland?

KALTENBRUNNER: You must differentiate here between two different periods: the first period before the private meeting on 12 March and the period after that.

DR. KAUFFMANN: In my opinion you can give me a brief answer to that question. The periods of time do not matter.

KALTENBRUNNER: At least 6,000 civilian internees coming from France and Belgium and all the Eastern European States including the Balkan States were included in these talks. At least 14,000 Jewish internees were handed over to the Red Cross in the

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town of Gunskirchen for their immediate care. This applies to the whole camp of Theresienstadt.

DR. KAUFFMANN: And finally is it correct--please answer very briefly either in the affirmative or in the negative--that because of your intervention, a special liaison department with the Red Cross was installed at Konstanz for the purpose of facilitating and carrying out this program further.

KALTENBRUNNER: A liaison department with the Red Cross was established in Lindau and at Konstanz.

DR. KAUFFMANN: That is enough

The Prosecution hold you responsible for a wireless message you are alleged to have sent to Fegelein in which it says:

"Please report to the Reichsfuehrer SS and inform the Fuehrer, that all measures regarding Jews, political and concentration camp prisoners in the Protectorate, have been carried out by me personally today."

I ask you: Did you send such a wireless?

KALTENBRUNNER: It did not get sent because the technical connection was not reestablished.

THE PRESIDENT: What is the number?

DR. KAUFFMANN: Mr. President, I did not mention a number. It was not presented in court but it is contained in the trial brief on Page 14.

THE PRESIDENT: I think it is Document 2519-PS. It was presented to the Court.

KALTENBRUNNER: The wireless message was planned—the text probably was written by the adjutant who was accompanying me. I did not write it personally and as I say, it could not be sent.

On 19 April 1945 I had been given authority to act independently in accordance with the discussions with Burckhardt with reference to foreign civilian internees and regarding the entering of all camps by the Red Cross. On that occasion I stated in Hitler's and Himmler's presence that my route would be via Prague and Linz to Innsbruck and that I would pass by Theresienstadt. I said that there were not only Jewish prisoners there who were to be looked after by the Red Cross but also Czechoslovak political prisoners. I suggested that their release should also be carried out. That is the explanation for that wireless message. But not until 19 April at 6 o'clock in the evening was I given full power in this connection.

DR. KAUFFMANN: But the Prosecution might assume from that statement, and at first, rightly so, that you might also have had jurisdiction over concentration camp questions. I ask you—and please answer this question with "yes" or "no." Is it true that the powers

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you have mentioned as given to you on 19 April 1945 were the first powers in that sphere altogether?

KALTENBRUNNER: Yes. I would not have needed a renewed authority at all if I had had it up to that time.

DR. KAUFFMANN: In a speech Himmler made on 3 October 1943 at Posen before the Higher SS and Police Leaders, you are called Heydrich's successor. The Prosecution consider that this is a confirmation of the entire executive power and your extraordinary powers in this sphere.

Does this formal expression, which was certainly used in this connection, do justice to the situation or not?

KALTENBRUNNER: No, I protest strongly—I have done so during all the interrogations—against being called Heydrich's successor. If in my absence Himmler referred to me as such, or if earlier such a notice

or announcement coming from him was once published in the press then this was done without my knowledge and without my wish. The first time, in connection with that press notice, there was a violent reaction to Himmler on my part. The day which you mentioned here I was ill in Berlin with an inflammation of the veins and in plaster, and therefore I did not join this discussion.

Neither the extent of my power nor outward appearance permitted the slightest possibility of comparison with Heydrich. I want to say quite briefly now that to the very last day of my activity I was paid 1,820 Reichsmark, which is the salary of a general of the police, and that Heydrich's income from his office was more than 30,000 Reichsmark, not because he was paid for a higher rank but in recognition of his completely different position. Any comparison is completely unjust.

DR. KAUFFMANN: Now, my next question: Is it correct that Himmler feared Heydrich and this was because Heydrich had been given too much authority from his point of view, and that for that reason he thought that by appointing you he had found the very man who would be completely safe for him, Himmler? In this connection the Prosecution have drawn a parallel between you and Heydrich, and, as I have already just said, they have described you as the second Heydrich.

KALTENBRUNNER: The relationship between Himmler and Heydrich can be characterized shortly as follows: Heydrich was by far the more intelligent of the two. He was at first an unusually docile and obedient...

THE PRESIDENT: Dr. Kauffmann, we do not want to know anything about Heydrich's intelligence. The witness has said over and over again that he was not his successor.

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DR. KAUFFMANN: In that case I will repeat the question which I put earlier, and which is the following: Did Himmler, by calling on you, want a man who was completely safe for him, Himmler?

KALTENBRUNNER: He never again wanted to give away such executive power out of his own hands to the extent that Heydrich had it. The moment Heydrich was dead, Himmler took over the entire department and after that never let the executive powers out of his hands. He had once had the experience, in the person of Heydrich, of how dangerous a Chief of the Security Police could become to him. He did not want to run that risk a second time.

DR. KAUFFMANN: In other words, what you want to say, finally, is that after Heydrich died, Himmler wanted to and did retain the whole executive power in his hands?

KALTENBRUNNER: Yes.

DR. KAUFFMANN: Now, another question. You stated yesterday that you learned of the conception of the so-called "final solution" only later on. In effect, such instructions went from Himmler to Heydrich and to Eichmann as early as 1941 or 1942. Is it true that you frequently met Himmler? Were you a friend of Himmler's?

KALTENBRUNNER: It is utterly wrong to call the relation between Himmler and myself friendly. Just like every other official, I was treated by him in an extremely cool and reserved manner. He was not a man who could enter into personal relationship with anyone.

DR. KAUFFMANN: It is natural to assume, if I place myself in the position of the Prosecution, that you must have had knowledge of the "final solution" and of that idea, if you met Himmler frequently. I therefore ask you again: Did not Himmler at some time put to you clearly what this "final solution" was?

KALTENBRUNNER: No, not in this form. I said yesterday that on the basis of all information which accumulated during the summer and autumn of 1943, including reports from enemy broadcasts and foreign news, I came to the conviction that the statement regarding the destruction of Jews was true, and that, thus convinced, I immediately went to see Hitler, and the next day Himmler, and complained to both of them saying that I could not for one single minute support any such action. Beginning with that moment . . .

DR. KAUFFMANN: Yes, well, you said so yesterday. You need not repeat it again.

THE PRESIDENT: Dr. Kauffmann, he told us that before and you told us that you would finish in an hour; you have now been nearly an hour and a half.

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DR. KAUFFMANN: I have only two or three questions.

[Turning to the defendant] The trial brief of the Prosecution contains a statement of Schellenberg, and it runs as follows: "What am I going to do with Kaltenbrunner? He would have me completely under his thumb in that case."

This is stated by Schellenberg in an affidavit, and it is supposed to have been said by Himmler. Please, will you give a very brief statement regarding the fact whether you would consider such a statement by Himmler at all probable?

KALTENBRUNNER: I do not consider such a statement probable. If he did say it, then it can have been only in connection with...

THE PRESIDENT: The Tribunal does not think that is a possible question to put to the witness.

DR. KAUFFMANN: *[To the defendant.]* In the trial brief a document of this kind has been presented and charged against you but, if the President does not wish that question, I shall be glad to withdraw it.

THE PRESIDENT: It seems to be merely a matter of argument, and you cannot criticize this affidavit, if the affidavit is in evidence.

DR. KAUFFMANN: I now come to the last question. I ask you whether the possibility existed that you, after you gradually became aware of conditions within the Gestapo and concentration camps, et

cetera, could have brought about a change? If that possibility did exist, can you say that by staying on in your position you achieved any alleviation in this sphere and an improvement of conditions?

KALTENBRUNNER: I repeatedly asked to join troops at the front, but the most burning question which I personally had to decide was: Will conditions be thus improved, alleviated? Or will anything be changed? Or is it my personal duty in this position to do everything necessary to change all these sharply criticized conditions?

Upon repeated refusals to my request to be detailed to the front, I had no other alternative than to try myself to alter a system, the ideological and legal basis of which could not be altered by me, as had been proved by all the orders issued before my time and offered in evidence here. All that I could do was to try to modify these methods while striving to have them abolished altogether.

DR. KAUFFMANN: Did your conscience permit you to remain in office in spite of it?

KALTENBRUNNER: When I considered the possibility of exerting again and again influence on Hitler and Himmler and other persons,

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my conscience would not allow me to leave my position. I thought it my duty to take, personally, a stand against wrong.

DR. KAUFFMANN: Mr. President, I have no further question.

THE PRESIDENT: The Tribunal will adjourn.

[A recess was taken.]

THE PRESIDENT: Do any of the defendants' counsel wish to ask any questions of the defendant?

DR. DIX: Do you know, Witness, that Schacht, before he was taken into custody by the Allied Forces, had been in a concentration camp?

KALTENBRUNNER: Yes.

DR. DIX: How long have you known that?

KALTENBRUNNER: Since his wife wrote me a letter; and I believe that she requested me to present a petition so that she might get her husband out.

DR. DIX: And about when was that?

KALTENBRUNNER: I assume around Christmas 1944.

DR. DIX: Do you know or have you any idea at whose suggestion Schacht was interned in a concentration camp?

KALTENBRUNNER: I believe that on the very same day I sent this letter from Herr Schacht's wife by courier to the offices of Hitler's adjutant, and I believe I received word through Fegelein or one of Hitler's adjutants, that Hitler was to be consulted in this matter. Some time later I learned that Schacht had been interned on Hitler's order, because he was suspected of working together with Goerdeler or in any case was one of the instigators of the high treason plan and of the assassination attempted on Hitler on 20 July 1944.

DR. DIX: I have a letter I received a short time ago, written by a former concentration camp inmate, who was told by Obersturmbannfuehrer Stawitzky-Do you know him?

KALTENBRUNNER: No.

DR. DIX: He was the last commander of the concentration camp at Flossenburg. In this letter I am told that this Stawitzky had told him that he had been ordered to murder Schacht along with the other special internees like Canaris, et cetera. Do you know anything about an order for the murder of Schacht?

KALTENBRUNNER: No.

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DR. DIX: Do you consider it possible that Stawitzky might have decided on such a step through his own authority?

KALTENBRUNNER: No.

DR. DIX: If I interpret your answer correctly, such an instruction could have come only from the highest level, that is, either from Hitler or Himmler?

KALTENBRUNNER: Yes, you may assume that. As far as Schacht is concerned, it could only have been an order from Hitler himself.

DR. DIX: Thank you.

DR. RUDOLF MERKEL (Counsel for Gestapo): I have some questions to put to the witness.

Witness, the Indictment contends that the Secret State Police in the years 1943 to 1945 had about 40,000 to 50,000 members. What can you remember about this?

KALTENBRUNNER: I believe that this figure is slightly too high.

DR. MERKEL: What do you estimate the figure was?

KALTENBRUNNER: I would rather assume 35,000 to 40,000.

DR. MERKEL: Approximately how many Gestapo officials were active in the occupied countries?

KALTENBRUNNER: That I cannot tell you even approximately, but I believe I have heard a figure of 800 people, for example, for the occupied region in France.

DR. MERKEL: Do you know to whom these officials in the occupied countries were subordinate?

KALTENBRUNNER: In the occupied countries, to the commander of the Security Police, who in turn was subordinate to the Higher SS and Police Leader of the occupied territory.

DR. MERKEL: Do you know at all whether in the of flees of the commanders of the Sipo and SD, Kripo officials, that is, officials of the Criminal Police, were carrying out tasks of a state political nature?

KALTENBRUNNER: That is possible.

DR. MERKEL: What approximately was the number of the Gestapo officials assigned in the East to the Einsatzgruppen A to G?

KALTENBRUNNER: I do not know.

DR. MERKEL: Can you tell me whether these officials, when assigned to the Einsatzgruppen, were released from the authority of the State Police and were acting as a special body in the Einsatzgruppen engaged in tasks with which the State Police themselves had no more to do?

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KALTENBRUNNER: I believe one can assume that. Personnel affairs were still attended to, that is, their salaries were paid as usual, but the powers to issue orders, the authority to give orders was certainly different.

DR. MERKEL: Approximately how were the members of the State Police organized, that is, proportionally according to their functions? First, officials who had' purely administrative functions?

KALTENBRUNNER: At least 20 percent.

DR. MERKEL: Officials with purely Security Police functions?

KALTENBRUNNER: The same number; for the greater part were in any case the subordinate personnel, that is, the technical personnel . . .

DR. MERKEL: This is what I intended to ask you.

The technical personnel, that is radio men, teletypists, drivers, and office personnel, how many were they altogether?

KALTENBRUNNER: The first group is 20 percent, that is the administrative group, and the so-called executive personnel is 20 percent, then the remaining 60 per cent fall into two equally large groups of 30 percent each, the technical auxiliary personnel and the office personnel.

DR. MERKEL: Tell me in one brief sentence the aims and tasks of the State Police.

KALTENBRUNNER: They have been explained here repeatedly. The State Police had for their main function, as in every other country, the protection of the State from any attack coming from within.

DR. MERKEL: The Prosecution contend that the membership in the State Police was voluntary. What can you say to that?

KALTENBRUNNER: I believe that contention can in no way be maintained nor proved. I would like to say that obviously the official staff in existence in 1933 could be made up only of officials who already had been police officials at that time.

DR. MERKEL: In what way did they come to the State Police?

KALTENBRUNNER: They were ordered.

DR. MERKEL: Ordered or transferred?

KALTENBRUNNER: There was a State Police in existence prior to that time; to be sure, they were not called the State Police at that time, but the Political Police Department.

DR. MERKEL: Then the personnel of the State Police was later on apparently completed, just like the personnel of every other State office, in conformity with the principles of the German Government Employees Law?

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KALTENBRUNNER: Absolutely, yes.

DR. MERKEL: Did the Fuehrer Decree Number 1 regarding secrecy apply to the service in the Reichssicherheitshauptamt? You certainly know it—that no one was to know more about a matter than absolutely necessary for his job? Did this rule also apply in the office of the Gestapo?

KALTENBRUNNER: This decree applied not only to the Wehrmacht but also to the entire internal executive power, for all administrative offices, and it was posted in every office throughout the Reich. So, of course, we were especially strict in observing this order in the Police.

DR. MERKEL: Do you know anything about the 1 October 1944 decree, according to which the entire Customs and Border Protection, which had been under the Reich Finance Office until that time, was transferred to Amt IV, that is, the Gestapo, of the RSHA?

KALTENBRUNNER: The Customs and Border Protection was transferred to Himmler and taken out of the sphere of the Reich Finance Ministry—I believe in September—by order of Hitler in the fall of 1944.

DR. MERKEL: Do you know about how much personnel was involved in that transfer?

KALTENBRUNNER: In the beginning the Customs and Border Protection comprised 50,000 people. At this time I think there must have been at least 10,000 people less, because recruiting by the Wehrmacht had taken place several times, that is, younger men were put into the fighting forces.

DR. MERKEL: Can you sum up in one sentence the function of the Customs and Border Protection?

KALTENBRUNNER: "As the name implies, the Customs and Border Protection had to guarantee the financial sovereignty of the Reich through border security measures.

DR. MERKEL: Can one say at all that these estimated 40,000 officials joined the Gestapo voluntarily?

KALTENBRUNNER: No, by order.

DR. MERKEL: The Border Police (Grenzpolizei) is different from the Customs and Border Protection (Zollgrenzschutz). Do you know that as early as 1935 it already formed part of the State Police?

KALTENBRUNNER: Yes. Muller was General Border Inspector of the Reich.

DR. MERKEL: Sum up in one sentence the tasks of the Border Police.

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KALTENBRUNNER: The Border Police checked passports at borders, airports, railways, highways. It was entrusted with the entire normal border control.

DR. MERKEL: Was this task different from what it was in the years before 1933; had anything changed?

KALTENBRUNNER: No.

DR. MERKEL: Did it vary from the tasks of the Border Police in other countries?

KALTENBRUNNER: No, that is not true.

DR. MERKEL: How were the relations between the members of the State Police, their officials and employees, and the SS; did they mostly enter the SS voluntarily or was it on the basis of an order?

KALTENBRUNNER: Voluntary enlistments must have been comparatively few. I know that later Himmler, as far as promotions were concerned, was more hesitant if the official did not belong to the SS, so for that reason enlistments occurred, if not from inner conviction, at least from a desire to be promoted.

DR. MERKEL: Thus, the larger part then joined because of this.

KALTENBRUNNER: Yes, it was based on Himmler's promotional system.

DR. MERKEL: Did the members of the State Police, particularly the officials, have any possibility of leaving their posts when they wanted to?

KALTENBRUNNER: No.

DR. MERKEL: A large part of the members of the State Police were so-called "Notdienstverpflichtete." Will you very briefly explain the term to the Tribunal?

KALTENBRUNNER: That is not true of those officials who had executive standing. As far as the other personnel were concerned there were more of that kind among them, especially as the war went

along, because losses ran very high, as of course, in all branches of the Police and Wehrmacht. Thus towards the end the personnel could be kept up only by recruiting Notdienstverpflichtete. That is true in any case of the technical and office personnel.

DR. MERKEL: Did those Notdienstverpflichtete join the State Police voluntarily?

KALTENBRUNNER: They had nothing to say in the matter. After consultations with the competent labor offices they were put into the Notdienst positions wherever the Reich ordered it.

DR. MERKEL: What happened to the members of the State Police who at interrogations committed excesses or trespassed on foreign property?

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KALTENBRUNNER: The same rules were followed which applied to all organizations subordinate to Himmler. They had their own SS and Police courts. In one sentence I may characterize this system by stating that the penalties were much more severe than in a civil court.

DR. MERKEL: A certain man has asserted that for an offense of taking away a few unimportant things from a prisoner, he had to serve a long period in the penitentiary. Was that the ordinarily normal and just punishment?

KALTENBRUNNER: Yes.

DR. MERKEL: Do you know who was taken to the SS Concentration Camp Danzig-Matzkau?

KALTENBRUNNER: Anyone who had been sentenced to imprisonment by SS and Police courts was put into the Danzig-Matzgau SS Concentration Camp, which was called an SS punishment camp rather than a concentration camp.

DR. MERKEL: Could a Gestapo member, especially of a higher rank, visit a concentration camp?

KALTENBRUNNER: Only with the express approval of Pohl or Glucks.

DR. MERKEL: Is that also true of the Higher SS and Police Leaders for the camps which were situated within their districts?

KALTENBRUNNER: I could not say that with certainty. In any case, I assume they also applied or had to apply to make these visits.

DR. MERKEL: Do you know of the so-called "severe interrogations?" Are these in force in other countries, too?

KALTENBRUNNER: I was President of the International Criminal Police Commission, and in this capacity I had the opportunity to speak about this topic at a meeting in the autumn of 1943. From this conference and also from my reading of the foreign press over a number of years I gathered that the police system of each state also makes use of rather severe measures of interrogation.

DR. MERKEL: Could a State Police official . . .

THE PRESIDENT: What happened at some international police commission does not seem to be relevant to anything in this case.

DR. MERKEL: I only wanted to question him as to whether these "severe interrogations" were applied not only in Germany but also in other states.

THE PRESIDENT: We are not concerned with that.

DR. MERKEL: However, the severe measures of interrogation are used as a charge in the trial brief against the State Police, Mr. President.

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[Turning to the defendant.] Could a State Police officer, when executing a protective custody order of limited duration, consider corporal punishment or even the putting to death of the prisoner upon his commitment into the camp?

KALTENBRUNNER: Emphatically no when a custody of limited duration was concerned.

DR. MERKEL: Did a so-called proceedings for investigating the reasons for imprisonment apply also to the inmates of the concentration camps?

KALTENBRUNNER: Every case of protective custody underwent investigation; in time of war twice, in time of peace, of course, more often...

DR. MERKEL: One last problem . . .

KALTENBRUNNER: ...but this investigation was not just a matter of the State Police. It had to be made by the camp commander, who had to report on the behavior of the prisoner. This report had to be given by the camp commander to the Inspector of the Concentration Camps. Then the State Police had to decide on the matter.

DR. MERKEL: The Prosecution have put in evidence a considerable amount about ill-treatment and torture during the questionings which took place in occupied Western countries, especially France, Holland, Belgium, Norway. Were there any instructions from the RSHA in this connection to use torture?

KALTENBRUNNER: No, certainly not.

DR. MERKEL: How do you explain the fact of this ill-treatment?

KALTENBRUNNER: I have heard nothing about such ill-treatment with which the State Police is charged. In my opinion it concerns only excesses of individuals. A decree to that effect certainly was never issued.

DR. MERKEL: Do you know that in the occupied countries members of the resistance movement and also criminal elements masqueraded as members of the German State Police in order to facilitate their tasks?

KALTENBRUNNER: That has been repeatedly stated, but I also cannot remember in detail having seen any exact records about that.

DR. MERKEL: Thank you, Mr. President, I have no further questions.

DR. CARL HAENSEL (Counsel for the SS): Witness, in the year 1932 you joined the Austrian SS, according to your testimony.

KALTENBRUNNER: Yes.

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DR. HAENSEL: Was there a difference between the Austrian SS and the German SS, or was it a similar group?

KALTENBRUNNER: There was a certain organizational similarity, which took effect only after the Anschluss. Up to the time of the Anschluss, the SS in Austria could hardly be differentiated from the Party or from the SA itself.

DR. HAENSEL: Sum up with a number the strength of the Austrian SS, to which you belonged; first of all, before the Austrian Anschluss in 1938 and then at the time when you joined. How did the development take place approximately, expressed in figures?

THE PRESIDENT: Too fast.

DR. HAENSEL: Did the development of the Austrian SS, to which you belonged, take place in 1938 as in 1932?

KALTENBRUNNER: I believe that at the time of the Austrian Anschluss, the maximum membership was perhaps 7,500.

DR. HAENSEL: Did that group play the role of a Fifth Column in Austria? Is "Fifth Column" a concept at all as far as you are concerned?

KALTENBRUNNER: Yes, "Fifth Column" became a concept to me through the statements of the enemy, but to term the Austrian SS a Fifth Column is entirely wrong. The Austrian SS never had the task of being an intelligence unit or a sabotage unit or anything like that.

DR. HAENSEL: Did there exist in the Austrian SS, to which you belonged, the slightest intention to bring through force the annexation of Austria to Germany or was this to be brought about through a plebiscite, through legal measures?

KALTENBRUNNER: There was by the SS neither such a plan of annexation by force nor do the facts of the political development comply with this. There was never any necessity for any such step, for the Anschluss Movement, without any such outside urge, was conclusively strong enough in itself.

DR. HAENSEL: It has been asserted that the SS Standarte 86- That must have been the one at Vienna...

KALTENBRUNNER: You are thinking of the Dollfuss Putsch?

DR. HAENSEL: Right. Can you tell me something about that? Did the work of this corps have any connection with the assassination of the Austrian Chancellor?

KALTENBRUNNER: I consider that incorrect. I must say that this corps later on did not have the number 86 but 89. In addition the group which had entered the Chancellery on 25 July 1934 was not a group of the SS, but a group of former members of the

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Austrian Army who, because of National Socialist activity, had been discharged from the Army.

I do not know the matter in detail. However, the chief of the Austrian Police at that time, Dr. Skubl, who as far as I know is demanded here as a witness in another case, should be able to give you exact information about that. I ask that you question him about this matter.

DR. HAENSEL: Try to remember the entry of the troops on the night of 11 March 1938. What kind of troops marched in, according to your recollection? I ask: Were they SS units or were they other units? Were they Army units? Were there SS Verfugungstruppen? What is your recollection?

KALTENBRUNNER: My recollection is that, first of all, there were Wehrmacht units, the Luftwaffe of course, and there was one regiment of the Waffen-SS-I cannot recall which one, probably the Standarte Deutschland-participating in the entry.

DR. HAENSEL: Can you compare the size of the Wehrmacht and the Standarte Deutschland approximately?

KALTENBRUNNER: The Standarte Deutschland at that time had 2,800 men perhaps. So far as the Wehrmacht is concerned, I do not know how many units took part.

DR. HAENSEL: In order to establish the relationship and according to your idea, what is the entire number of SS men? I would like to make it a little easier for you. I have seen a communication in which it is stated that, in all and in the course of time, 750,000 to 1 million men have passed through the SS. Is such a figure correct?

KALTENBRUNNER: One million certainly is too high. All branches of the SS taken together, including the General SS and the Waffen-SS and including the SS members in the various police activities, I believe add up to 720,000 to 750,000 men. Out of that number at least 320,000 to 350,000 men died in action. These losses might even be a little higher than what I just stated, but I believe a

more precise figure might be obtained from one of the defendants who belonged to the Wehrmacht I do not know it exactly.

DR. HAENSEL: According to your knowledge how many men of this entire number do you believe were connected with concentration camps, that is, with the supervision, administration, and so forth? Can you give me any figure as to just how many were so connected?

KALTENBRUNNER: That is a rather surprising question to me, which I cannot answer immediately. I would have to have pencil and paper in order to make calculations.

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DR. HAENSEL: Could you, through your own knowledge . . .

KALTENBRUNNER: Of course, it is only a fraction, a very small fraction of the entire figure.

DR. HAENSEL: Did those SS members, no matter how many or how few they were, who were not connected with the administration of concentration camps have any insight into these conditions or in this administration and the things that took place in the camps?

KALTENBRUNNER: Certainly not.

DR. HAENSEL: How can you tell me that with such certainty?

KALTENBRUNNER: From my own personal knowledge that Himmler and his organization kept the concentration camps behind an iron curtain.

DR. HAENSEL: Were the officials of the office which you headed, for example the Main Security Office, recruited only from the SS or mostly from the SS?

KALTENBRUNNER: No, not at all. The proportion of the SS members to those who did not belong to the SS was 5 percent if I consider only the confidence men and the staff of the SD inside Germany.

DR. HAENSEL: Therefore, for 100 officials, there were 5 who had gone through the SS?

KALTENBRUNNER: Yes.

DR. HAENSEL: According to your knowledge were there regulations prohibiting the physical ill-treatment of concentration camp inmates and were these regulations known in the SS?

KALTENBRUNNER: They were issued in print: that is, contained in nearly every gazette of the Reichsfuehrer SS and the Chief of the German Police. Every SS man knew these regulations were laws, and they were punished heavily if ill-treatment was reported or became evident.

I do not know to what extent and in what state the SS Punishment Camp Danzig-Matzgau fell into the hands of the enemy, but I am convinced that all those who underwent a term of imprisonment there will give information about this severe punishment in connection with any ill-treatment which may have occurred.

DR. HAENSEL: I have finished, Your Honors.

THE PRESIDENT: Does the Prosecution wish to cross-examine?

COL. AMEN: Defendant, in order to shorten as much as possible the time of this cross examination, I want to be sure that we understand each other as to just what your position is as to several specific items.

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Now, first, you concede that you held the title of Chief of the RSHA and Chief of the Security Police and SD from the end of January 1943 up to and including the end of the war. Is that correct?

KALTENBRUNNER: Yes, it applies with those limitations which I enumerated yesterday with regard to my authority in the State and Criminal Police.

COL. AMEN: And when you speak of those limitations, you are referring to this supposed understanding with Himmler? Is that correct?

KALTENBRUNNER: It was not a supposed understanding with Himmler but a well-established fact which existed from the very first day, that I had the task of establishing a centralized intelligence service in the Reich and that he would retain command in the other sectors.

COL. AMEN: Well, in any event, you concede that you held that title, but you deny that you exercised some of the powers? Correct?

KALTENBRUNNER: Yes.,

COL. AMEN: And this title which you held was the same title which was previously held by Heydrich, who had died on 4 June 1942? Is that correct?

KALTENBRUNNER: Yes.

COL. AMEN: There was no change in title?

KALTENBRUNNER: No.

COL. AMEN: And you testified that you assume responsibility for all of the things which you did personally or knew about personally. That is correct, is it not?

KALTENBRUNNER: Yes. I could add one thing, that my title was extended on 14 February 1944, when the Military Intelligence Service of the OKW, Amt Abwehr, was transferred to Himmler by Hitler. Then my title as Chief of the entire Reich Central Intelligence Service became known in other departments.

And I might add also, perhaps, that the capacity of a man or his duties in an intelligence service which not only comprised a big country like the Reich but also extended to foreign countries were not made public. I might refer to England, where the Chief of the Secret Service over other...

COL. AMEN: Defendant, will you please try to confine yourself to answering my questions "yes" or "no" whenever possible, and making only a brief explanation, because we will come to all these other things in due time. Will you try to do that?

KALTENBRUNNER: Yes, very well.

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COL. AMEN: Did you have any personal knowledge or anything personal to do with any of the atrocities which occurred in concentration camps during the war?

KALTENBRUNNER: No.

COL. AMEN: And therefore you assume no responsibility before this Tribunal for any such atrocities? Is that correct?

KALTENBRUNNER: No, I do not assume any responsibility in that regard.

COL. AMEN: And, in that connection, such testimony as has been given here, by Hollriegel for example, to the effect that you witnessed executions at Mauthausen, you deny? Is that correct?

KALTENBRUNNER: I was already told yesterday of the testimony of Hollriegel. I consider the statement that I ever saw a gas chamber, either in operation or at any other time, wrong and incorrect.

COL. AMEN: Very good. You had no personal knowledge of and did nothing personal about the program for the extermination of Jews; is that correct-except to oppose them?

KALTENBRUNNER: No-except that I was against it. From the moment I knew of this as facts and had convinced myself of it, I raised objections with Hitler and Himmler, and the final result was that they were stopped.

COL. AMEN: And therefore you assume no responsibility for anything done in connection with the program for the extermination of the Jews, right?

KALTENBRUNNER: Yes.

COL. AMEN: And does the same thing apply to the program for forced labor?

KALTENBRUNNER: Yes.

COL. AMEN: And the same thing applies, does it not, to the razing of the Warsaw Ghetto?

KALTENBRUNNER: Yes.

COL. AMEN: And the same thing applies to the execution of 50 fliers in connection with Stalag Luft III?

KALTENBRUNNER: Yes.

COL. AMEN: And the same thing applies to the various orders with respect to the killing of enemy fliers, correct?

KALTENBRUNNER: Yes.

COL. AMEN: And, as a matter of fact, you made all these same denials in the course of your interrogations before this Trial, correct?

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KALTENBRUNNER: Yes.

COL. AMEN: And you still make them today?

KALTENBRUNNER: Yes. But as far as the preliminary interrogations are concerned, may I make a statement again in the course of the crossexamination?

COL. AMEN: Well, when we come to the proper place let us know.

Is it or is it not a fact that the Gestapo, Amt IV, RSHA, prepared reports on concentration camps which were submitted to you for signature and then passed on to Himmler?

KALTENBRUNNER: No. I do not recall any such reports. The normal channel was that Muller reported to Himmler directly.

COL. AMEN: Do you likewise deny . . .

KALTENBRUNNER: I would like to add that of course certain matters existed of which I had to be informed for several reasons, for instance the great domestic political event, the plot of 20 July 1944 of course; I was informed in such cases, not through Amt IV but through...

COL. AMEN: I am speaking of the general course of activity and not of any special exceptions, you understand.

KALTENBRUNNER: Yes.

COL. AMEN: You likewise deny that Muller, as chief of Amt IV, always conferred with you with respect to any important documents?

KALTENBRUNNER: Yes. I not only deny it but the facts speak against it. He had direct authority from Himmler. He had no reason to discuss this matter with me beforehand.

COL. AMEN: I ask that the defendant be shown a document, L50, which will become Exhibit Number USA-793.

[The document was submitted to the defendant.]

THE PRESIDENT: Hasn't this been put in before?

COL. AMEN: No, Your Lordship, I am told it has not.

[Turning to the defendant.] By the way, were you acquainted with Kurt Lindow, who makes this affidavit dated 2 August 1945?

KALTENBRUNNER: No.

COL. AMEN: Although he was an official in the RSHA until 1944? Let us read together Paragraphs 2 and 4 only. I won't take the time of the Tribunal to read Paragraphs 1 and 3. 2, you will note, reads as follows:

"On the basis of general experience as well as individual cases I can confirm that the Gestapo (Amt IV) wrote reports

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about practices of the administrative authorities in the concentration camps and that these were given by the Chief of Amt IV to the Chief of the Security Police who submitted them for signature to Reichsfuehrer Himmler."

KALTENBRUNNER: May I reply to that immediately? It might be important perhaps to read Paragraph 1, too.

COL. AMEN: Please make it as brief as you can.

KALTENBRUNNER: Paragraph 1 seems to be important to read, for in Paragraph 1 it is said that the witness Lindow, from 1938 until 1940, was in the section in which such reports were written. From 1940 to 1941 he was in counterespionage; in 1942 and 1943 he was in the section for combating of Communism; and later he was in the section for educational matters. I believe, therefore, that his testimony in Paragraph 2—that he knew of the custom of the State Police, that is that via the Chief of Department IV, through the Chief of the Security Police, reports were sent to Himmler about happenings in concentration camps—holds true only for the period 1938 to 1940. Judging from his own testimony, he has no personal experience about the later periods.

COL. AMEN: Well, in other words he is not telling the truth as it was at the time when you were active in RSHA; correct?

KALTENBRUNNER: I have not read anything about that. He maintains that...

COL. AMEN: I am calling your attention to two paragraphs. We have already covered 2, and now we will read 4:

"To my knowledge no chief of office or any of the officials of the RSHA authorized to sign had the right to sign in any fundamental affairs of particular political significance without consent of the Chief of the Security Police, not even during his temporary absence. From my own experience I can furthermore declare that particularly the Chief of Office IV, Muller, was very cautious in signing documents concerning questions of a general nature of possibly greater importance, and that he put aside

documents of such nature in most cases for the return of the Chief of the Security Police, whereby, alas, often much time was lost."-Signed-"Kurt Lindow."

KALTENBRUNNER: Yes. I would like to make two statements: First, this assertion is completely contrary to the testimony of several witnesses who spoke of the extraordinary authority and independence exercised by Muller and testified to it.

Secondly, the description of Lindow is applicable to that period of time in which Heydrich was active, that is, the time between 1938 and 1940, in which Lindow could obtain experience. But this

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does not apply to the period in which Himmler gave direct orders to Muller. That was Himmler's prerogative, for my tasks were of such scope that it was almost impossible for one man to handle the work that I did.

COL. AMEN: I don't want to spend too much time 'on it now, Defendant, but the paragraphs which I read you conform to the testimony of Ohlendorf before this Tribunal, do they not?

KALTENBRUNNER: The testimony as given by Ohlendorf was shown to me yesterday by my counsel. But also the testimony as given by Ohlendorf, I believe, leads us clearly to see that any executive order, even for protective custody-and he used the term "down to the last washerwoman"-needed the direct consent of Himmler, who could delegate this authority only to Muller. He did add, however, that he did not know whether my authority suffered any such restrictions and whether, perhaps, I might not have had such powers, but he could not state that with certainty. And the rest of his testimony contradicts the assumption that I had such broad authority.

COL. AMEN: We all know what Ohlendorf's testimony was. I merely want to ask you if you accept the testimony of Ohlendorf. You told us in the course of interrogations that you had the most contact with Ohlendorf and that you would trust him to tell the truth before any of your other associates; is that not correct?

KALTENBRUNNER: I do not recall the last statement. The first statement, that he was one of my chief collaborators, is justified and is proved by the fact that he was chief of the Intelligence within Germany, which became a part of my Intelligence Service. All domestic political reports, reports about all German spheres of life, I received mostly from this Amt III, in addition to the news from the other departments which I organized myself.

COL. AMEN: Shortly after Easter 1934 you were under arrest in the Kaisersteinbruch Detention Camp?

KALTENBRUNNER: What year did you say, please?

COL. AMEN: 1934.

KALTENBRUNNER: Yes, from 14 January until the beginning of May.

COL. AMEN: Did you ever, in company with other SS functionaries, make an inspection of the Mauthausen Camp?

KALTENBRUNNER: With other SS officials, no. To my recollection I went there alone and had to report there to Himmler, who, as I stated yesterday, was conducting an inspection tour through southern Germany.

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COL. AMEN: And you went only in the quarry? Right?

KALTENBRUNNER: Yes.

COL. AMEN: Were you acquainted with Karwinsky, the State Secretary in the Dollfuss and Schuschnigg Cabinets from September 1933 to October 1935-Karwinsky?

KALTENBRUNNER: I saw Karwinsky once. I believe he visited us in the Kaisersteinbruch Detention Camp at that time during our hunger strike. Otherwise I never saw him. It might be that one of his representatives visited us. That I cannot say.

COL. AMEN: I ask that the defendant be shown Document Number 3843-PS, which will be Exhibit Number USA-794. I would like to say to the Tribunal that there is rather objectionable language in this exhibit but I do feel that in view of the charges against the defendant, I do feel it is my duty to read it nonetheless.

[The document was submitted to the defendant.]

If you will turn to Page 3, defendant.

KALTENBRUNNER: On Page 3 there are just a few lines. May I read the entire document first, please?

COL. AMEN: It would take much too much time, Defendant. I am only interested in the paragraph which is on Page 3 of the English text, and commences, "Shortly after Easter..." Do you have it?

KALTENBRUNNER: Yes.

COL. AMEN: "Shortly after Easter 1934 I received the news that the prisoners in the Kaisersteinbruch Detention Camp had gone on hunger strike. Thereupon I went there myself, in order to inform myself about the situation. While comparative calm and discipline prevailed in most of the barracks, one barrack was very disorderly. I noticed that one tall man seemed to be the obvious leader of the resistance. This was Kaltenbrunner, at that time a candidate for attorney-at-law, who was under arrest because of his illegal activity in Upper Austria. While all the other barracks gave up their hunger strike after a talk which I had with representatives of the prisoners, the barracks under Kaltenbrunner persisted in the strike.

"I saw Kaltenbrunner again in the Mauthausen Camp, when I was severely ill and lying on rotten straw with several hundred other seriously ill persons, many of them dying. The prisoners, suffering from hunger oedemata and from the most serious intestinal sicknesses, were lying in unheated barracks in the dead of winter. The most primitive sanitary facilities

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were lacking. The toilets and the washrooms were unusable for months. The severely ill persons had to relieve themselves in little marmalade buckets. The soiled straw was not renewed for weeks, so that a stinking liquid was formed, in which worms and maggots crawled around. There was no medical attendance or medicines. Conditions were such that 10 to 20 persons died every night. Kaltenbrunner walked through the barracks with a brilliant suite of high SS functionaries, saw everything, must have seen everything. We were under the illusion that these inhuman conditions would now be changed, but they apparently met with Kaltenbrunner's approval for nothing happened thereafter."

Is that true or false, Defendant?

KALTENBRUNNER: I can refute this document, evidently presented in order to surprise me, in every point.

COL. AMEN: I ask you-first, I ask you to state whether it is true or false?

KALTENBRUNNER: It is not true and I can refute each detail.

COL. AMEN: Make it as brief as possible.

KALTENBRUNNER: It is not possible to me to take less time in refuting it, Mr. Prosecutor, than you took in reading it. I have to refute each word which is incriminating me. Here Karwinsky maintains . . .

COL. AMEN: Just a moment. Perhaps you will wait until I have read to you two more exhibits I have along the same line. Then perhaps you can make your explanation of all three at the same time. Is that satisfactory to you?

KALTENBRUNNER: As you wish.

COL. AMEN: I ask that the defendant be shown Document Number 3845-PS, which will become Exhibit Number USA-795.

[The document was handed to the defendant.]

You have already denied, I believe, having visited or going through the crematorium at Mauthausen; correct?

KALTENBRUNNER: Yes.

COL. AMEN: Do you know Tiefenbacher, Albert Tiefenbacher?

KALTENBRUNNER: No.

COL. AMEN: If you have the document you will note that he was at Mauthausen Concentration Camp from 1938 until 1 May 1945 and that he was employed in the crematorium at Mauthausen for 3 years as carrier of dead bodies. You note that?

KALTENBRUNNER: Yes.

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COL. AMEN: Now, passing to the lower half of the first page, you will find the question:

"Do you remember Eigruber?

"Answer: Eigruber and Kaltenbrunner were from Linz. "Question: Did you ever see them in Mauthausen?

"Answer: I saw Kaltenbrunner very often.

"Question: How many times?

"Answer: He came from time to time and went through the crematorium.

"Question: About how many times? "Answer: Three or four times.

"Question: On any occasion when he came through, did you hear him say anything to anybody?

"Answer: When Kaltenbrunner arrived most prisoners had to disappear. Only certain people were introduced to him."

Is that true or false?

KALTENBRUNNER: That is completely incorrect.

COL. AMEN: Now I will show you the third document and then you can make a brief explanation. I ask that the defendant be shown Document Number 3846-PS which will become Exhibit Number USA-796.

[The document was handed to the defendant.]

I might ask you, Witness, do you remember ever having witnessed a demonstration of three different kinds of executions at Mauthausen at the same time? Three different kinds of execution?

KALTENBRUNNER: No, that is not true.

COL. AMEN: Are you acquainted with Johann Kanduth who makes this affidavit?

KALTENBRUNNER: No.

COL. AMEN: You will note, from the affidavit, that he lived in Linz; that he was an inmate of the concentration camp at Mauthausen from 21 March 1939 until 5 May 1945; that besides the work in the kitchen he also worked in the crematorium from 9 May, and he worked the heating for the cremation of the bodies. Now, if you will turn to the second page, at the top:

"Question: Have you ever seen Kaltenbrunner at Mauthausen on a visit at any time?

"Answer: Yes.

"Question: Do you remember when it was? "Answer: In 1942 and 1943.

"Question: Can you give it more exactly, maybe the month?

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"Answer: I do not know the date.

"Question: Do you remember only this one visit in the year 1942 or 1943?

"Answer: I remember that Kaltenbrunner was there three times.

"Question: What year?

"Answer: Between 1942 and 1943.

"Question: Tell us, in short, what did you think about these visits of Kaltenbrunner which you described? That is, what did you see, what did you do, and when did you see that he was or was not present at such executions?

"Answer: Kaltenbrunner was accompanied by Eigruber, Schulz, Ziereis, Bachmeyer, Streit-vieser, and some other people. Kaltenbrunner went laughing into the gas chamber. Then the people were brought from the bunker to be executed, and then all three kinds of executions: hanging, shooting in the back of the neck and gassing, were demonstrated. After the dust had disappeared we had to take away the bodies.

"Question: When did you see the three different kinds of executions? Were these just demonstrations or regular executions?

"Answer: I do not know if they were regular executions, or just demonstrations. During these executions, besides Kaltenbrunner, the bunker leaders, Hauptscharfuehrer Seidel and Duessen, were also present. The last named then led the people downstairs.

"Question: Do you know whether these executions were announced for this day or if they were just demonstrations or if the executions were staged just for pleasure of the visitors?

"Answer: Yes, these executions were announced for this day.

"Question: How do you know that they were set for this day? Did somebody tell you about these announced executions?

"Answer: Hauptscharfuehrer Roth, the leader of the crematorium, always had me called to his room and said to me, 'Kaltenbrunner will come today and we have to prepare everything for the execution in his presence.' Then we were obliged to heat and to clean the stoves."

KALTENBRUNNER: May I answer?

COL. AMEN: Is that true or false, Defendant?

KALTENBRUNNER: Under my oath, I wish to state solemnly that not a single word of these statements is true. I might start with the first document.

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COL. AMEN: Could you note, Defendant, that none of these affidavits were taken in Nuremberg, but that they all appeared to have been taken outside of Nuremberg in connection with an entirely different proceeding or investigation. Did you note that?

KALTENBRUNNER: No, but it is irrelevant as far as the testimony itself is concerned. May I now start to talk about this document?

COL. AMEN: Yes, go ahead.

KALTENBRUNNER: The Witness Karwinsky states having seen me in the year 1934 in connection with the hunger strike in the Kaisersteinbruch Detention Camp. He singles out the barracks in which disorders were taking place at which a tall man, meaning myself, was present. According to him, I was interned there because of my illegal activity in Austria. As far as these statements are concerned, up to now, they are completely wrong.

First of all, I was not interned there because of National Socialist activities. The note of imprisonment we had received in writing, which must have been known to Herr Karwinsky, who was then Austrian State Secretary for Security, stated literally that we were arrested to prevent us from performing National Socialist activities. So there was no prohibited activity at this time charged against me. Then, further, when Karwinsky came, the hunger strike was in its ninth day. We had not...

COL. AMEN: May I interrupt you just a moment, Defendant. I am perfectly satisfied if you testify that these statements are false. If you are satisfied, I am perfectly satisfied with that answer. I do not need an explanation of all of these paragraphs when we have no way of verifying what you say.

KALTENBRUNNER: Mr. Prosecutor, I cannot be satisfied if the High Tribunal and the whole world is presented with testimony and documents which are pages long and which you contend are the truth, and which incriminate me in the gravest manner. I must certainly have the opportunity to answer with more than "yes" or "no." I simply cannot just like some callous criminal only. ..

THE PRESIDENT: You'd better let him go on. We do not want to argue about it. Go on, make your comments on the document.

KALTENBRUNNER: Karwinsky arrived on the eighth day of the hunger strike. He did not come into our barracks, but we were brought on stretchers into the administrative building of this Austrian detention camp. None of us were even able to walk any more. And for this fact, there are a great many more witnesses—490 internees who had been confined in this camp with me. Karwinsky talked with us

in this administration building and stated that if the hunger strike were to stop the Government would be willing to consider a dismissal of all internees. We had been interned without

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having committed any offense at all, and prior to that the Government had already given their promise three times to release us but had never kept these promises.

Therefore, we requested a written statement from Karwinsky, either signed by him or signed by the Federal Chancellor. We wanted this statement so that we could believe the promise, then we would immediately end the strike. He refused. The hunger strike went on and we were taken to a hospital in Henna. On the 11th day, the hunger strike stopped because even the giving of water was prohibited on that day. These were the facts, and not that we created disorder.

THE PRESIDENT: When I said you could make your comments, I did not mean you could go on giving the details of the hunger strike.

KALTENBRUNNER: My Lord, I just wanted to point out that what has been testified by the witness is incorrect—that I was the leader in the resistance and that I was still in my barracks. I had to be carried on a stretcher all through the camp; none of us could walk any more at that time.

Point 2; I talked with the cousin of Karwinsky again and again later on. His cousin was in charge of the social insurance department at Linz. He told me that his cousin, that is the witness mentioned here, never had been at Mauthausen, that he was at Dachau from the first day of his detention. There is a difference whether it is Mauthausen or Dachau, for he was sent there as a former member of the Austrian Government who had committed crimes against National Socialists. He was arrested by the RSHA, which already existed, I believe by Heydrich in Berlin, and not by some Austrian office. I also never saw this man afterwards. I also never visited Dachau. It should, therefore, be easy to ascertain whether this man was in Dachau from the beginning of his detention or in Mauthausen. If he was in Dachau, as I am charging, then everything is a lie. If he were in Mauthausen, it must be first proved whether he does not confuse me with another man. This first proof, whether he has erred in the person, is not up to me: If the Prosecution endeavor to find out whether he was in Dachau from the very beginning—for I know he was in Dachau; he was arrested in Innsbruck when trying to escape to Switzerland, his cousin had let me know that when asking me to intervene on his behalf. I could not intervene because the man was transported to Dachau directly via Innsbruck-Mittenwald. Thus, he was completely out of my sphere and power as the then State Secretary for Security of the Austrian Government.

THE PRESIDENT: We will adjourn now.

[The Tribunal recessed until 1400 hours.]

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Afternoon Session

THE PRESIDENT: Colonel Amen, I suppose the defendant wants to say something about these other documents. He had answered the one, had he not?

COL. AMEN: I do not know whether he had finished, Your Lordship.

THE PRESIDENT: *[Turning to the defendant.]* Had you finished with the affidavit or the statement of Karwinsky?

KALTENBRUNNER: Your Lordship, not quite.

THE PRESIDENT: Go on then.

KALTENBRUNNER: I have no longer the document before me and I request that it be given back to me. May I please ask you to return the document to me?

COL. AMEN: Yes, it is coming.

[The document was submitted to the defendant.]

KALTENBRUNNER: This document has not been shown to me during previous interrogations before the Trial. Otherwise, I would have immediately answered with a request that the cousin of the witness Karwinsky, who was chief of the Social Insurance Department at Linz and who bears the same name, be called as a witness and be asked whether it is correct that he expressly told me that this Karwinsky was detained at Dachau and never at Mauthausen. May I add that the witness Dr. Skubl, who will appear before the Tribunal in another matter, can probably make a statement on the same matter, particularly regarding the fact that this witness Karwinsky was arrested near the Swiss border when he escaped after the Anschluss and that he was taken from there to Dachau.

The reason he was taken to Dachau is not exactly known to me. but Dr. Skubl will be able to give information on that subject, presumably to the effect that the intention was to prevent any intervention from Austria in connection with this former member of the Austrian Government, since Himmler was of the opinion that something might be attempted by the new Austrian Government in favor of Karwinsky.

THE PRESIDENT: Your counsel can apply to call any witnesses that you want in rebuttal. He can make application for that request. It is not necessary to go into that now.

KALTENBRUNNER: Very good, Your Lordship. I should like to make the following statement regarding the other two documents. I declare their entire contents to be untrue and incorrect. Had they been put before me in the interrogations, then, as I did in other

prosecutor, who holds the rank of major and is sitting at the table over there next to Colonel Amen, that this witness who is making such serious statements against me be brought face to face with me. Today Prosecutor Colonel Amen was also present when I made that request at the time the question of Mauthausen was discussed. These gentlemen retired to consult with a third officer and discussed in English or not Ziereis and Zutter could be called in. Both are in this prison. All this was untrue.

THE PRESIDENT: I have already told you that your counsel can apply to call any witnesses that you wish in rebuttal.

KALTENBRUNNER: I shall ask my counsel to apply for the calling of those two witnesses.

COL. AMEN: Defendant, who was responsible for the order to kill all inmates at Mauthausen Concentration Camp shortly before the end of the war?

DR. KAUFFMANN: Mr. President, may I say a few words in connection with these two documents? Only now have they been introduced into the Trial for the first time, and only now is it possible for me to discuss these serious accusations with the defendant. He also said to me that he denies the truth of these statements. I think I should be neglecting my duty as a defense counsel if I did not ask immediately that these witnesses be heard. It might be that the Prosecution later on . . .

THE PRESIDENT: Dr. Kauffmann, what is the point of delaying the Trial? I have just said that you might make application and you know perfectly well that application has to be made in writing.

I have said twice to the witness that you, Dr. Kauffmann, his counsel, can apply for the calling of any witnesses you like in rebuttal. What is the good of delaying the Trial by getting up and making your application verbally now?

DR. KAUFFMANN: Far be it from me to cause delay, but I Invented to state here and now that I want to call these witnesses and I shall certainly make application in writing.

COL. AMEN: Did you understand the question, Defendant?

KALTENBRUNNER: Yes. You asked me who had given the order for the killing of the inmates at Mauthausen at the end of the war, and to that I reply that such an order is unknown to me. I gave only one order with regard to Mauthausen and that was to the effect that the entire camp and all internees were to be surrendered to the enemy without any ill-treatment. This order was dictated by

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me in the presence of the witness Dr. Hottl, and taken to Mauthausen by a courier-officer. I draw your attention to the statement of Dr. Hottl in which he confirms that fact. A questionnaire has been sent to a second person by my Defense Counsel. I requested a similar statement from him, but it is still unanswered.

COL. AMEN: I did not ask you about that order. I asked you about an order to kill all inmates at Mauthausen Concentration Camp shortly before the end of the war. Who was responsible for that order? Were you?

KALTENBRUNNER: No.

COL. AMEN: You are acquainted with the person who tells the story, Ziereis?

KALTENBRUNNER: Yes, I knew Ziereis.

COL. AMEN: And you had your picture taken with him and with Himmler, and this is now in evidence before this Tribunal. Do you recall that?

KALTENBRUNNER: I have not seen the picture. It was handed to the Tribunal while I was in the hospital.

COL. AMEN: Well, never mind the picture then.

I ask to have the defendant shown Document Number 3870-PS, which will be Exhibit Number USA-797.

Now, if the Tribunal pleases, this is a fairly long document which I do not propose to read at length, but it is one of the more important documents in the case, and so I hope that the Tribunal will read the entire statement, even though I do not bring it all out today in the interest of saving time.

THE PRESIDENT: It is a new document?

COL. AMEN: A new document, Your Lordship.

THE PRESIDENT: Is it in German?

COL. AMEN: Yes.

[The document was submitted to the defendant.]

This, you will note, Defendant, refers to a dying confession of Ziereis, as reported to the individual making the affidavit, and I call your attention first to the last two paragraphs on the first page, which we will read together:

"There was one SS man for 10 prisoners. The highest number of prisoners was about 17,000, not including the branch camps. The highest number in Mauthausen Camp, the branch camps included, was about 95,000. The total number of prisoners who died was 65,000. The complement was made up of Totenkopf units numbering 5,000 men, comprising guards and the command staff."

"According to an order by Reichsfuehrer Himmler, I was to liquidate all prisoners on the instructions of SS Obergruppenfuehrer Dr. Kaltenbrunner; the prisoners were to be led into the tunnels of the Bergkristall works of Gusen and only one entrance was to be left open."

KALTENBRUNNER: I have not yet found the passage.

COL. AMEN: It is in the middle of Page 2. Have you got it?

KALTENBRUNNER: Yes, sir.

COL. AMEN: "Then I was to blow up this entrance to the tunnels with some explosive and thus cause the death of the prisoners. I refused to carry out this order. This meant the extermination of the prisoners in the so-called 'mother camp' c Mauthausen, and in the camps Gusen I and Gusen II. Details of this are known to Herr Wolfram and to SS Obersturmfuehrer Eckermann.

"A gas chamber camouflaged as a bathroom was built in Mauthausen Concentration Camp by order of the former garrison doctor, Dr. Krebsbach. Prisoners were gassed in this camouflaged bathroom. In addition to that, there ran, between Mauthausen and Gusen, a specially built automobile in which prisoners were gassed during the journey. The idea for the construction of this automobile was Dr. Wasiczki's, SS Untersturmfuehrer and pharmacist. I, myself, never put any gas into this automobile; I only drove it. But I knew that prisoners were being gassed. The gassing of the prisoners was done at the request of the physician, SS Hauptsturmfuehrer Dr. Krebsbach.

"Everything that we carried out was ordered by the Reich Security Main Office, Himmler or Heydrich, also by SS Obergruppenfuehrer Muller or Dr. Kaltenbrunner, the latter being Chief of the Security Police."

Then, passing on to Page 5, just below the center of the page, the paragraph commencing, "In the early summer of 1943 . . ." Have you the place?

KALTENBRUNNER: Yes.

COL. AMEN: "In the early summer of 1943, SS Obergruppenfuehrer Dr. Kaltenbrunner visited Mauthausen Concentration Camp. Camp Commandant Ziereis, Gauleiter Eigruber, Chief of the Detention Camp Bachmeyer, and several others accompanied Dr. Kaltenbrunner. I saw Dr. Kaltenbrunner and the people who accompanied him with my own eyes. According to the testimony of the 'corpse carriers' at that time, the

former prisoners Albert Tiefenbacher"-whose affidavit has been read—"present address Salzburg; and Johann Polster, present address Pottendorf near Wiener-Neustadt, Austria, about 15 prisoners under detention were selected by the detention chief, Unterscharfuehrer Winkler, in order to show Dr. Kaltenbrunner three ways of extermination; by a shot in the neck, hanging, and gassing. Women whose hair had been shorn were among those executed and they were killed by shots in the neck. The above-

mentioned 'corpse carriers' were present at the execution and had to carry the corpses to the crematorium. Dr. Kaltenbrunner went to the crematorium after the execution and later he went into the quarry.

"Baldur van Schirach visited the Mauthausen Concentration Camp in the autumn of 1944. He, too, went to the detention building and also to the crematorium."

Do you still say that you had nothing to do with the order referred to or the matters set forth in the affidavit?

KALTENBRUNNER: I maintain that most emphatically, and I want to draw your attention to the fact that you, sir, have said that this statement was taken when Ziereis was on his deathbed, but you did not say that what you read from Pages 7 and 8 does not come from Ziereis, but from Hans Marsalek, who is responsible for these statements. This Hans Marsalek whom, of course, I have never seen in my life, had been an internee in Mauthausen as were the two other witnesses. I have briefly expressed my views as to the value of a statement concerning me from a former concentration camp internee and my inability to speak face to face with this witness who now confronts me, and my application will be made through my counsel. I must ask here to be confronted with Marsalek. Marsalek cannot know of any such order. In spite of that he states that he did.

COL. AMEN: Defendant, Marsalek is merely the individual who took the dying confession from Ziereis. Do you understand that?

KALTENBRUNNER: No, I do not, because thus far it is new to me that the Prosecution were using internees from concentration camps for the interrogation of Ziereis, who had been shot in the stomach three times and was dying. I thought that such interrogations would have been carried out by a man who was legally trained and who would be in a position to attach the right value to such statements.

COL. AMEN: Well, perhaps, Defendant, if you were conducting the Prosecution, you would do it differently; but, in any event, your testimony is that everything in that affidavit which was read to you is false; is that correct?

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KALTENBRUNNER: It is false. I have never given an order to the Mauthausen Camp with the exception of that one order which I was entitled to do on the strength of special powers and for the contents and transmission of which I have offered sufficient evidence. Mauthausen was never under my jurisdiction in any other way, and I could not issue any such orders. The Prosecution know perfectly well, and it must have been proved to them by dozens of testimonies, that I had never had any authority over Mauthausen.

THE PRESIDENT: Defendant, you do not seem to understand what this document is. It is an affidavit of Hans Marsalek, and Paragraph 2 shows the fact that he made the interrogation of Ziereis, who was about to die, in the presence of the commander of an armored division; and he then sets out what Ziereis

said, and then he goes on to declare, in addition, what is contained in Paragraph 3; and it is perfectly obvious to the Tribunal that what is said in Paragraph 3 is not what Ziereis said, but what Marsalek said—the person who was making the affidavit.

KALTENBRUNNER: My Lord, may I say in reply that Marsalek, as an internee in the camp, was of course not in a position to know that Ziereis was never under my command. For that reason alone, it appears likely that Marsalek, when he questioned Ziereis, could not possibly know the facts of the case. I have proved to the Tribunal, and proved it to the Prosecutor, that authority was not given to me until 9 April.

THE PRESIDENT: Yes, I know; that is only a matter of argument. I was only drawing your attention to the fact that it is perfectly obvious from the document itself that what Colonel Amen was reading was a statement of Marsalek and not a statement of Ziereis, which was the point you were making.

COL. AMEN: Defendant, do you recall having given an order to the commandant of the Mauthausen Concentration Camp on the 27th of April 1945, that at least 1,000 persons should be killed at Mauthausen each day? Is that true or false?

KALTENBRUNNER: I have never given such an order. You know . . .

COL. AMEN: Were you acquainted with SS Colonel Ziereis, the same person we have just been speaking of?

KALTENBRUNNER: Yes.

COL. AMEN: And were you acquainted with Kurt Becher or Becker, a former colonel in the SS?

KALTENBRUNNER: No.

COL. AMEN: I ask to have the defendant shown Document Number 3762-PS, which will become Exhibit Number USA-798.

[The document was submitted to the defendant]

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KALTENBRUNNER: You asked, sir, whether I knew an SS Colonel Becker, and I answered, "No"; but the man is Kurt Becher.

COL. AMEN: That is all the better. You do know him then, do you?

KALTENBRUNNER: I know him, yes.

COL. AMEN: Very good.

THE PRESIDENT: Colonel Amen, have these documents been translated into all languages?

COL. AMEN: I believe they have, every one of them, yes. No, I am told that all of them have not; some of them have. This one is in English and German, Your Lordship. We did not have time to get them translated into the Russian and French, although it is now in process.

THE PRESIDENT: Yes, then it will be done?

COL. AMEN: Yes, Sir; it is being done, yes.

THE PRESIDENT: Very well.

KALTENBRUNNER: May I reply to it?

THE PRESIDENT: In order that the record should be properly complete, the Tribunal would like the Prosecution to state when the translation has been done, so that the matter should be thoroughly in order.

COL. AMEN: Precisely.

Defendant, we will now read this document together:

"I, Kurt Becher, former SS Standartenfuehrer, born 12 September 1909, at Hamburg, declare the following under oath:

"1. Between the middle of September and the middle of October 1944 I caused the Reichsfuehrer SS Himmler to issue the following order, which I received in two originals, one each for SS Obergruppenfuehrer Kaltenbrunner and Pohl, and a copy for myself:

" 'By this order, which becomes immediately effective, I forbid any extermination of Jews and order that, on the contrary, care should be given to weak and sick persons. I hold you'- and here Kaltenbrunner and Pohl were meant-'personally responsible even if this order should not be strictly adhered to by subordinate offices.'

"I personally took Pohl's copy to him at his offices in Berlin and left the copy for Kaltenbrunner at his office in Berlin. Therefore, in my opinion Kaltenbrunner and Pohl bear the responsibility after this date for any further killings of Jewish prisoners.

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"2. When visiting Mauthausen Concentration Camp on 27 April 1945 at 0900 hours, I was told in the strictest secrecy by the camp commandant, SS Standartenfuehrer Ziereis, that 'Kaltenbrunner gave me the order that at least a thousand persons would still have to die at Mauthausen each day.'

"The facts mentioned above are true. These statements are made by me voluntarily and without any coercion. I have read them through, signed them, and confirmed them with my oath."

Is that true or false, Defendant?

KALTENBRUNNER: In part it is correct and in part it is not. I shall explain it sentence by sentence.

COL. AMEN: No, suppose you simply tell us what you claim to be false, because we must get on with this.

KALTENBRUNNER: I quite believe that you want to save time, but this is a question of establishing my guilt or my innocence and to

do that I must be given an opportunity to make a statement in detail. Otherwise neither you nor the Tribunal would know the truth; and that is what we want here, I hope. I am glad that this witness, Becher, was found and that this statement is available, because it proves, first that in September or October 1944 Himmler was forced to issue this order—that same Himmler about whom it has been definitely established that since 1939 or 1940 he had become guilty of the crime of killing Jews on the largest scale.

And now we must find out why in September or October Himmler had given such an order. Before I had seen this document I stated yesterday and today that this order was issued by Hitler on my representations, and obviously this order from Himmler is based on another order which he received from Hitler.

Secondly, it is clear to me that Himmler gave such an order to Pohl as the person responsible for those concentration camps in which Jews were kept; and thirdly, that he has informed me, Kaltenbrunner, of this as the person who opposed Himmler. As to Becher, I have to go farther back.

Through this man Becher Himmler did the worst things which could possibly be done and brought to light here. Through Becher and the Joint Committee in Hungary and Switzerland he released Jews in exchange, first, for war equipment, then secondly, for raw material, and thirdly, for foreign currency. I heard about this through the intelligence service and immediately attempted to stop this, not through Himmler because I would have failed but through Hitler. At that moment any personal credit of Himmler with Hitler was undermined, for this action might have changed the reputation of the Reich abroad in the most serious manner.

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At the same time my efforts in connection with Burckhardt had already been going on, and now you understand why the witness Schellenberg stated that Himmler had said to him, "I am alarmed; now Kaltenbrunner has got me under his thumb." This means that Kaltenbrunner had completely revealed all the things Himmler was doing in Hungary and had told Hitler about it.

By this order Himmler attempted to camouflage it and to get out of the whole thing by pretending that the responsibility rested on Kaltenbrunner and Pohl anyhow. Even according to this document the responsibility rested on Himmler and Pohl, but Kaltenbrunner had to be included and be told about it because otherwise he might bring the subject up with Hitler any day. That is the sense of the document.

This witness, Becher, is now in Nuremberg. I beg absolutely to be confronted with him here. I am quite able to prove to the public with the help of this witness how, starting with the transfer of the so-called

Weiss A.G. in Hungary up to that day, Himmler, with Pohl and Becher and the two committees in Hungary and Switzerland were running this business. And I can prove how I fought against it.

There is yet another accusation in this document, that on 27 April I am supposed to have given a strictly secret order to Ziereis that 1,000 Jews had to be exterminated in Mauthausen every day. I ask you to have the witness Hottl, who is also here, called in immediately, so that I may ask him on what day I dictated and sent by courier-officer to Mauthausen the order that the entire camp with all its inmates be surrendered to the enemy. This witness will confirm to you that this order was given several days before 27 April and that I could not have given orders to the contrary on 27 April.

I ask you, sir, not to take me unawares and maneuver me into a position where I might go to pieces. I shall not break down. I swear to you and I have sworn that I want to help you establish the truth.

COL. AMEN: Defendant, you have heard evidence at this Trial with respect to the meaning of the phrase "special treatment," have you not? Have you heard that in this courtroom?

KALTENBRUNNER: The expression "special treatment" has been used by my interrogators several times every day, yes.

COL. AMEN: You know what it means?

KALTENBRUNNER: It can only be assumed, although I cannot give an accurate explanation, that this was a death sentence, not imposed by a public court but by an order of Himmler's.

COLT AMEN: Well, the Defendant Keitel testified that, I think, it was a matter of common knowledge. Have you not at all times

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known what was meant by "special treatment"? "Yes" or "no," please.

KALTENBRUNNER: Yes. I have told you; an order from Himmler—I am referring to Hitler's order of 1941, therefore also an order from Hitler—that executions should be carried out without legal procedure.

COL. AMEN: Did you ever discuss with Gruppenfuehrer Muller of Amt IV the application of "special treatment" to certain individuals? "Yes" or "no," please.

KALTENBRUNNER: No; I know that the witness Schellenberg said . . .

COL. AMEN: I ask to have the defendant shown Document Number 3839-PS which will become Exhibit Number USA-99. By the way, were you acquainted with Joseph Spacil?

THE PRESIDENT: Answer the question.

COL. AMEN: Were you acquainted with Joseph Spacil?

KALTENBRUNNER: Spassel? No.

COL. AMEN: He is the person who makes the affidavit now before you.

KALTENBRUNNER: The name which is mentioned here is Joseph Spacil, and that man I know, yes.

COL. AMEN: Now, will you look at the center of the first page, a paragraph commencing "In regard to 'special treatment' ... " Have you the place?

KALTENBRUNNER: Not yet, no. In order to understand the document I shall have to read all of it.

COL. AMEN: Well, if you have to read all of these documents, Defendant, we would never get through, because the first part has nothing to do with the part which I am interested in or with you.

KALTENBRUNNER: I beg your pardon, sir, I am sure that you are interested in expediting the procedure as far as possible as we defendants are anxious not to delay the proceedings; but it is necessary for my defense that I should at least be allowed to read a document on which I have to make a statement.

COL. AMEN: But, Defendant, your lawyer is receiving copies of all these documents, and I am sure that whatever is there, which should be brought out on your behalf, he will see to it that it will be brought out at the proper time, which will be after I get through asking you these questions. Is that not satisfactory?

KALTENBRUNNER: No, that is not enough for me. I must know, at any rate, What is contained in that document, since you are asking me to make a statement on it now.

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COL. AMEN: Well, go ahead and read it then.

THE PRESIDENT: Defendant, not only your own counsel will look after your interests, but the Tribunal will look after your interests; and you must answer the question, please.

KALTENBRUNNER: Yes.

COL. AMEN: Very well. Now let us read along in the center of the page, commencing with:

"In regard to 'special treatment' I have the following knowledge:

"On occasion of meetings of the office chiefs, Gruppenfuehrer Muller frequently consulted Kaltenbrunner as to whether this or that case should be specially treated or if 'special treatment' was to be considered. The following is an example of how the conversation went:

"Muller: Case Obergruppenfuehrer B. please, 'special treatment' or not?

"Kaltenbrunner: Yes, or submit it to the Reichsfuehrer SS for decision.

"Or:

"Muller: Obergruppenfuehrer, no answer has arrived from the Reichsfuehrer SS in regard to 'special treatment' for Case A.

"Kaltenbrunner: Ask once more. "Or:

"Muller handed a paper to Kaltenbrunner and asked for instructions, as described above.

"When Muller had such a conversation with Kaltenbrunner, he only mentioned the initials, so that the persons present at the table never knew who was involved."

And then the last two paragraphs:

"Both Muller and Kaltenbrunner proposed in my presence 'special treatment' or submission to the Reichsfuehrer SS for approval of 'special treatment' for certain cases which I cannot specify in detail. I estimate that In approximately 50 percent of the cases special treatment' was approved."

Are the contents of that affidavit true or false, Defendant?

KALTENBRUNNER: The contents are not correct, when given the interpretation you are giving to the document. You will see immediately that the tragic expression "special treatment" is given here an absolutely humorous turn. Do you know the meaning of Winzerstube in Godesberg, and of Walsertraum in the Walsertal, and their relation to the term "Sonderbehandlung"? Walsertraum is the smartest and most fashionable Alpine hotel of the whole German

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Reich, and the Winzerstube is a very famous hotel in Godesberg in which many international meetings were held. Especially qualified and distinguished personalities were accommodated there—I would mention M. Poncet and M. Herriot and many more. They had three times the normal ration for diplomats, which is nine times the ration of the ordinary German during the war. They were daily given a bottle of champagne. They were allowed to correspond freely with their families in France and to receive parcels. These internees were allowed to receive visits on several occasions, their wishes were cared for wherever they were. That is what is meant here by 'special treatment.'

I can only state here that it may well be that Muller may have talked about this to me, since I was extremely anxious from the point of view of foreign policy and intelligence that the Reich should now follow my suggestion and treat foreign persons in a more humane manner. It is in this connection that Muller may have spoken to me, but Winzerstube and Godesberg, these two final achievements of this so-called "special treatment," were the places where political internees upon parole were accommodated and received preferential treatment.

COL. AMEN: Did you have frequent meetings with your section heads, including Muller, as indicated in this document?

KALTENBRUNNER: I stated yesterday and today that, of course, I met Muller when we were lunching together, which we had to do because all our 38 buildings in Berlin had been destroyed or damaged by bombs, but I did not talk to him about official matters concerning Amt IV.

This document makes it clear that these were matters of extreme interest to me as Chief of Intelligence.

May I ask you not to leave this document just yet. It must be put on record before this Tribunal that these two establishments are used as I wished for the preferential and better treatment than that enjoyed by the Germans. That is of great importance to me for my defense, and I am asking you-I shall ask you through my counsel- that you make detailed inquiries about these two hotels, and I also request that you ask M. Poncet, as the leader of the French detainees, about the treatment he received there. He had such a good time there that he gave French lessons to the wife of a criminal investigation official, and taught her French when they went for walks for hours without being guarded at all.

COL. AMEN: Defendant, did you or did you not issue instructions to Muller, as Section Chief IV, as to whether certain individuals who were in confinement at Berlin should be transported to southern Germany or be shot? And for your assistance, I will suggest to you

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that it was in February 1945 when the Russian armies were closing in on Berlin. "Yes" or "no", if you can.

KALTENBRUNNER: No, the Russian Army was not very near Berlin in February 1945. I think military persons here would be able to give you more precise information as to where the fighting was going on at the time. I do not believe that there was a reason for the evacuation of any camps to the south at that time.

COL. AMEN: Were you acquainted with Martin Sandberger, Group Leader VI A of the RSHA?

KALTENBRUNNER: Yes. He was the first assistant of this Schellenberg who has been mentioned several times, and he acted as intermediary with regard to intelligence news between Himmler and Schellenberg.

COL. AMEN: I ask to have the defendant shown the Document 3838-PS, which will become Exhibit USA-800.

[The document was submitted to the defendant.]

I call your attention only to the first two paragraphs of that affidavit:

"In my capacity as Group Leader VI A at the RSHA, the following became known to me:

"In February 1945 I was told by Group Leader VI B. SS Standartenfuehrer Steimle, that he had to represent Schellenberg at the daily office chief meetings. On that occasion, Muller, Chief of Amt IV, presented to Kaltenbrunner a list of persons who were in confinement in or close to Berlin, for Kaltenbrunner to decide whether they were to be transported to southern Germany or whether they were to be shot, because the Russian armies were closing in on Berlin. Steimle did not know who these people were. Kaltenbrunner made his decisions in an extremely hasty and superficial manner and Steimle expressed his indignation to me about the frivolity of this procedure. From this I inferred that

Kaltenbrunner had ordered a number of shootings, because if evacuation had been ordered there would have been no talk about the frivolity of the procedure."

Is that affidavit true or false?

KALTENBRUNNER: The statement is not correct, and although it surprises me I can immediately refute it. Perhaps I may draw attention to the following points:

First, the document was prepared at Oberursel on 19 November 1945 by the witness Sandberger. In the second half of the first paragraph he states that he had been in England together with

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Schellenberg. I beg your pardon; he states this in the second paragraph. "As I was informed by Schellenberg at an internment camp in England when taking a walk...." You can gather from the second part that he, together with Schellenberg, was in an interrogation camp near London, in which I also was kept for 10 weeks, where they had detailed discussions. Therefore it is important, because something more will have to be said about this man Schellenberg, to know whether Sandberger received this information from Steimle before February 1945, or whether he got it through Schellenberg in London when they were interned together. That can be ascertained only by having Sandberger questioned here directly through my defense counsel. Until then, I must refute this statement altogether.

COL. AMEN: All right.

KALTENBRUNNER: No, sir; I have by no means finished what I have to say. Secondly, Sandberger states that he had heard from Steimle what Steimle had heard. Personally I would not attach too much credit to any information at third or fourth hand, and I would strongly challenge a statement such as Steimle has made. I had not the authority to make such decisions; nor could Steimle, Sandberger, or Schellenberg ever have had any doubt of the fact that only Himmler could have made such decisions.

Thirdly, only once did I hear of such treatment of witnesses. I personally intervened and made that known here. This was in the case of Schuschnigg, who was in one such camp which was threatened by the Russians. On 1 February 1945-I remember this date very well and it can be confirmed by another defendant here-I replied to this other defendant when he asked, "Could we not do something for Schuschnigg so that he will not fall into the hands of the Russians? Will you or shall I make the suggestion to the Fuehrer to have him released from detention or at least to take him somewhere where he will not fall into the hands of the Russians but rather into American hands?" Whereupon, one of us-I cannot remember who, possibly both of us-took this proposal to Hitler.

THE PRESIDENT: Surely you are

going very far afield. The Tribunal quite understands that you point out, which is obvious, that this is hearsay evidence. The only question for you is whether Muller did on this occasion present a list of names to you, and we understand that you say he did not. We do not want to hear argument about it.

KALTENBRUNNER: No, Your Lordship, Muller did not submit such a list to me, but I must define in some way my attitude to this document which has just been shown to me for the first time. I do not want it to appear to the Tribunal that I can defend myself only after I have been in consultation with my lawyer for hours. I want

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to tell the prosecutor to his face that this is not true. And I do; somehow I must defend my veracity. I cannot give an answer straight away and I cannot make it easier for the prosecutor except by requesting him to bring this witness, Sandberger, into court; he can discuss with him at length in the meantime, so as to tell him why I do not consider it credible. I must tell the Tribunal beforehand why these things are untrue.

COL. AMEN: Defendant, are you familiar with the so-called "bullet" order that was directed to the Mauthausen Concentration Camp? "Yes" or "no"?

KALTENBRUNNER: I made a detailed statement on this bullet order yesterday and I stated that I did not know of that order.

COL. AMEN: Did you ever issue any oral orders supplementing the so-called "bullet" order-you yourself; did you ever issue any such?

KALTENBRUNNER: No.

COL. AMEN: I ask to have the defendant shown Document 3844-PS, which will become Exhibit USA-801.

[The document was submitted to the defendant.]

Were you acquainted with Josef Niedermeyer, Defendant? Josef Niedermeyer?

KALTENBRUNNER: No, I do not recollect having known him.

COL. AMEN: Well, perhaps this will bring it back to you-Paragraph 1:

"From the autumn of 1942 until May 1945 the so-called call-barracks of the Mauthausen Concentration Camp were under my supervision.

"2. At the beginning of December 1944 the so-called 'bullet' orders were shown to me in the political department of the Mauthausen Concentration Camp. These were two orders, each of which bore the signature of Kaltenbrunner. I saw both of these signatures myself. One of these orders stated that foreign civilian workers who had repeatedly escaped from labor camps were, when recaptured, to be sent to the Mauthausen Concentration Camp under the 'bullet' action.

"The second order stated that the same procedure was to be followed with officers and noncommissioned officers who were prisoners of war, with the exception of British and Americans, if

they repeatedly escaped from prisoner-of-war camps. These prisoners of war were also to be brought to the Mauthausen Concentration Camp. ~

"3. On the strength of the 'bullet' orders and the oral instructions of Kaltenbrunner which accompanied them, 1,300

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foreign civilian workers, of ricers, and noncommissioned officers were brought to the Mauthausen Concentration Camp. There they were lodged in Block 20 and fed so badly, according to orders, that they had to starve. Eight hundred of them died from hunger and illness. The bad food and the lack of medical care were the result of the personal oral orders of Kaltenbrunner."

Is that statement true or false, Defendant?

KALTENBRUNNER: No, sir, that is not correct. I believe that I can invalidate this document right now. May I draw your attention to Page 2. On Page 2, Paragraph 3, it says in the third lines "1,300 foreign civilian workers, of ricers, and noncommissioned of ricers were brought...." From the words "civilian workers" ...

COL. AMEN: Defendant, I am primarily interested in Paragraph 2, which has to do with the fact that the person who makes the affidavit saw two "bullet" orders bearing your signature. Is that, so far as you know, true or false?

KALTENBRUNNER: No; I said yesterday, and I repeat it today under oath that these bullet orders were not known to me. To dispute the veracity of the witness and the evidential value of the document, I must be able personally to raise my arguments on those points where it is particularly obvious that the Prosecution is wrong, that is, in the third line of Paragraph 3. Here the witness--whose signature differs completely from the writing of the statement, and this is a fact to which I would like to invite the attention of the Tribunal--the witness completely forgot that the bullet orders, the text of which has been read here repeatedly, referred to officers and noncommissioned officers, but not to civilian workers. How, on the basis of a false order, could such a thing happen at ad? I cannot pass the death sentence for murder on the strength of a civilian paragraph such as 820 of BOB (Code of Civil Law), nor can I on the strength of the bullet orders lock civilian workers up in a camp. The witness, in his haste and anxiety to oblige, had forgotten these details.

Nor do I believe that this man has ever seen a document which bears my signature. Such a document was never submitted to me either.

Once again, I must ask that this witness--and I am sure there will be others on the Mauthausen question--that this witness and all the others should be brought here and questioned as to how their statements came to be made.

COL. AMEN: Defendant, do you recall the testimony of the witness Wisliceny with respect to your participation in the forced labor program on the defenses below Vienna?

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KALTENBRUNNER: I have not quite finished answering your last questions. Excuse me, but I still have something vital to say on this matter.

COL. AMEN: I thought you were through with that.

KALTENBRUNNER: Yes, I thought so, too, but I have just remembered something important.

COL. AMEN: All right.

KALTENBRUNNER: It is very relevant that I should refer you to what I said about the bullet orders yesterday. I stated that it became known to me in December or January 1944⁴⁵, and what my reaction was, and how I opposed it. These circumstances, too, explain the fact that I could not, shortly before that, have signed the order myself.

Apart from that, it is totally impossible for a Kaltenbrunner to sign a bullet order, when it's clear to the Prosecution here that it was signed already in 1941 by Hitler. This is why I wanted to make that final remark about the document.

Now, will you please be good enough to repeat the next question?

COL. AMEN: I want to call your attention to the testimony of Wisliceny with respect to your participation in the forced labor program on the defenses below Vienna. Are you familiar with what he said in this court?

KALTENBRUNNER: No.

COL. AMEN: Well, I will read it to you. It is very short:

"Question: With reference to the Jews who were left in Budapest, what happened to them?

"Answer: In October-November 1944 about 30,000, perhaps a few thousand more, were taken out and brought to Germany. They were to be used for work on the defenses in Vienna. They were mostly women. A large number of these people were put into the labor camps on the lower Danube, and they died there from sheer exhaustion. A small percentage, perhaps 12,000, were taken to Vienna, the western boundary, and about 3,000 were taken to Bergen and Belsen and then to Switzerland. Those were Jews that had come from Germany."

Now, Defendant, do you recall having had any correspondence with the Burgermeister of the city of Vienna with respect to the assignment of this forced labor in the city of Vienna?

KALTENBRUNNER: I have never written a single letter to the Burgermeister of Budapest, and I should very much like to ask you to show me any such letter.

COL. AMEN: I did not say Budapest; I said the Burgermeister of the city of Vienna, or I intended to, if I did not.

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KALTENBRUNNER: The Burgermeister of Vienna? I cannot remember having had any correspondence with him either. I think perhaps I can explain the matter to you by saying that these frontier fortifications which must be meant here did not come under the city of Vienna, but under the Gau of the lower Danube. I did not know that Vienna had a joint frontier with Hungary.

COL. AMEN: Well, you have already testified that you had nothing to do with participating in this forced labor program; is that not correct?

KALTENBRUNNER: Yes.

COL. AMEN: All right.

I ask to have the defendant shown Document 3803-PS, Exhibit Number USA-802.

[The document was submitted to the defendant.]

I call your attention to the first three paragraphs. You will note that the letter comes from yourself, and reads as follows:

"To the Burgermeister of the city of Vienna, SS Brigadefuehrer Blaschke.

"Subject: Assignment of labor to essential war work in the city of Vienna.

"Re: Your letter of 7 June 1944.

"Dear Blaschke: For the special reasons cited by you I have in the meantime given orders to direct several evacuation transports to Vienna-Strasshof. SS Brigadefuehrer Dr. Dellbruegge had, as a matter of fact, already written to me concerning the same matter. At the moment it is a question of four transports with approximately 12,000 Jews. They will reach Vienna within the next few days.

"According to previous experience it is estimated that 30 percent of the transport will consist of Jews able to work, approximately 3,600 in this case, who can be utilized for the work in question, it being understood that they are subject to removal at any time. It is obvious that these people must be assigned to work in large, well-guarded groups, and accommodated in secured camps, and this is an absolute prerequisite for making these Jews available.

"The women and children of these Jews who were unable to work, and who are all being kept in readiness for a special action and therefore one day will be removed again, must stay in the guarded camp also during the day.

"Please discuss further details with the State Police head office in Vienna, SS Obersturmbannfuehrer Dr. Ebner and

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SS Obersturmbannfuehrer Krumey of the Sondereinsatz kommando Hungary, who at present is in Vienna.

"I hope these transports will be of help to you in carrying out the urgent work you have in view.

"Heil Hitler. Yours, Kaltenbrunner."

Now do you recall that communication?

KALTENBRUNNER: No.

COL. AMEN: Do you deny having written that letter?

KALTENBRUNNER: Yes.

COL. AMEN: Well, I think, Defendant, that this time your signature is affixed to the original of this letter. Have you the original?

KALTENBRUNNER: Yes.

COL. AMEN: Is that not your signature?

KALTENBRUNNER: No, that is not my signature. It is a signature either in ink or it is a facsimile, but it is not mine.

COL. AMEN: Defendant, I want to show you samples of your signature which you gave in the course of your interrogations, and I ask you to tell me whether or not these are your signatures.

[Documents were submitted to the defendant.]

KALTENBRUNNER: I have already made hundreds of such signatures, and they are probably right. The one in pencil, the document signed in pencil, has been signed by me.

COL. AMEN: Well, will you indicate them in some way, so that the Tribunal can look at the signatures which you admit are your own, and compare them with the signature on this Document 3803-PS, Exhibit USA-802?

KALTENBRUNNER: The signatures on these papers which are written in pencil are mine; they are my own.

COL. AMEN: All of them?

KALTENBRUNNER: All three.

COL. AMEN: All right.

KALTENBRUNNER: But not those in ink.

COL. AMEN: Very good.

[The documents were submitted to the Tribunal.]

Shall I continue, Your Lordship?

THE PRESIDENT: One moment, please.

Go on, Colonel Amen.

COL. AMEN: Defendant, you have heard the evidence with respect to the establishment of the Warsaw Ghetto and the clearing of the ghetto.

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rim; PRESIDENT: Are you passing from this document?

COL. AMEN: Yes, Your Honor.

THE TRIBUNAL: We had better adjourn for 10 minutes.

[A recess was taken.]

DR. THOMA: Mr. President, I have to begin submitting my evidence in the next few days, and I do not know yet whether my Document Book 1 is admissible. Will you please also tell me on what day and at what time this can be discussed.

[There was a pause in the proceedings.]

THE PRESIDENT: Dr. Thoma, the Tribunal think that, subject to anything you have to say, halfpast 12 tomorrow—that is Saturday morning—would be a good time at which we could decide The admissibility of your documents.

DR. THOMA: Thank you very much indeed.

COL. AMEN: If the Tribunal please, I want to revert for a moment to Document 3803-PS with the signature.

Defendant, have you the original of that exhibit before you?

KALTENBRUNNER: Yes.

COL. AMEN: Will you look at the signature and tell me whether you do not find, written by hand just above the signature, the letters Dein?

KALTENBRUNNER: Yes.

COL. AMEN: And as I understand it, that word means "yours"; in other words, it is an intimate expression used only between close personal friends, is that not correct?

KALTENBRUNNER: In German there are only two forms of concluding a letter: either "Ihr," Ihr, or "Dein," Dein. We use the latter, "Dein," if we are on close terms, friendly terms. Blaschke, the Mayor of Vienna, is a friend of mine and apparently...

COL. AMEN: Now, would it not be an absolutely ridiculous and unthinkable thing that a stamp or facsimile would be made up which contained not only a signature but the expression "Dein" above the signature?

KALTENBRUNNER: That would be nonsensical, I wholly agree with that; but I did not say that it must be a facsimile signature. I just said that it is not my Signature.

It is either a facsimile or it has been put underneath with another signature. The author of this letter-you did not allow me to finish before-as it can be seen from the code in the upper lefthand.

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corner, is to be found in Section IV A and B. Everyone in the department and the entire German Reich knew that the Mayor o, Vienna, Blaschke, and myself had been close personal friends since our common political activity in Vienna, that is for about 10 years, and had used the familiar form of address, "Du." Therefore, if, for instance, I had been absent from Berlin, and the letter was urgent- as I assume to be the case from the contents-the official might have considered it justifiable to write in this form. I did not authorize him and, of course, it is quite impossible, but that is the only way I can explain it.

COL. AMEN: Then, Defendant, at least you agree that it is not a facsimile signature, is that correct?

KALTENBRUNNER: It would be most unusual to have made a Ramp with the words, "Dein." It would be entirely out of the question. Therefore, the official himself must have written the signature. Everybody knew that I was on familiar terms with Blaschke and therefore the word "rein" had to appear, if he used my signature at all.

Please look also at the figure 30 on the top. From many samples of my writing you can see that I do not write like that at all.

COL. AMEN: Defendant, is it not equally ridiculous to think that a person, or an official, as you term him, in signing such a letter on your behalf would try to imitate your signature?

KALTENBRUNNER: Quite right, but, sir, it would be a matter of course, when writing to the Mayor of Vienna, a man with whom the official perhaps

knew quite well that I was on familiar terms, to put my name typewritten under a personal letter. That would be impossible as well. If I were not in Berlin he had only two possibilities open to him: either to type it in or to make it seem as though I, Kaltenbrunner, were actually there.

COL. AMEN: Is it not a fact that you are simply lying about your signature on this letter, in the same way that you are lying to this Tribunal about almost everything else you have given testimony about? Is not that a fact?

KALTENBRUNNER: Mr. Prosecutor, for a whole year I have had to submit to this insult of being called a liar. For a whole year I have been interrogated hundreds of times both here and in London, and I have been insulted in this way and even much worse. My mother, who died in 1943, was called a

whore, and many other similar things were hurled at me. This term is not new to me but I should like to state that in a matter of this kind I certainly would not tell an untruth, when I claim to be believed by this Tribunal in far more important matters.

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COL. AMEN: I am suggesting, Defendant, that when your testimony is so directly contrary to that of 20 or 30 other witnesses and even more documents, it is almost an incredible thing you should be telling the truth and that every witness and every document should be false. Do you not agree to that proposition?

KALTENBRUNNER: No. I cannot admit that because I have had the feeling each time a document has been submitted to me today, that it could at first glance be immediately refuted by me in its most vital points. I ask, and I hope that the Tribunal will allow me, to refer to single points and to come into closer contact with individual witnesses, so that I may defend myself to the last. Throughout the preliminary interrogations your colleague has always adopted the attitude unjustly that I was refuting and opposing insignificant points. The conception of expeditious trial proceedings has been unknown to me in this form. Had he talked to me in broad lines about the ways to find out the real truth, I believe he would have sooner arrived at considerably larger and more important issues. I am perhaps the only defendant who, on receiving the Indictment and being asked, "Are you ready to make any further statements to the Prosecution," stated "Immediately," and I signed it--please produce the signature--"from today on after receiving the Indictment I am at the disposal of the Prosecution for any information." Is it not so? Please confirm it. That gentleman *[pointing to an interpreter]* interrogated me. I have always been ready, that is, during the last 5 months, to give information on any question, but I have not been asked any more.

THE PRESIDENT: You must try to restrain yourself. And when you see the light, speak slower. You know about the light, do you not?

COL. AMEN: Is it not a fact, Defendant, that on the occasion of your last interrogation you stated that you did not wish to be interrogated any more because the questions seemed to be designed to help the Prosecution rather than to help your case, and that you were told that in that event you would not be questioned any more; that you were also informed that there were other documents and other material with which you had not been confronted and that if you desired at any time to come back and be interrogated with respect to those matters, you should tell your lawyers so and send a note and that the interrogator would be very happy to continue interrogating you? Is that not a fact, "yes" or "no"?

KALTENBRUNNER: No, sir, that was not the case. I made that statement repeatedly when I was being interrogated on points of detail. It was in the evening and it was getting very late. I believe it was about 2000 hours; I can remember the room very well I was led out of the room. This interpreter, whom I saw here this

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morning, I believe, was sitting at a long table with two or three other of finials. They said, "You have received the Indictment today," and I said, "Yes, I have." They said, "Are you aware that from now on you will have to speak with the General Secretary about your defense? Do you wish to be interrogated further?" To which I said, "Yes, certainly I am at your disposal at any time." Whereupon this officer here looked at me in a very startled manner, for he did not expect that answer from me; obviously all the others appeared to have said, "No, we are glad that these interrogations have come to an end and we can work now on our defense."

COL. AMEN: Now, Defendant, I want to read to you from your last interrogation. After a question as to whether the testimony was being helpful to you sufficiently so that you wanted to continue, you spoke as follows:

"This would at least be as important for my defense as the material which is helping the Prosecutor's case and about which the Interrogator has asked me repeatedly; therefore, I have the feeling that I am still in the hands of the Prosecutor and not in the hands of a judge in charge of a preliminary hearing. As the Indictment has been served, I find myself now in a position where I can prepare my OWE defense, and I therefore do not find it proper that you continue to look for material which would incriminate me. Please do not regard this as any criticism or rebuttal, because I have never been informed about the procedure to be followed in these hearings and I do not know about it; but according to my knowledge of legal procedure this is incorrect. I have never been given the possibility of confronting other witnesses and of reminding them that this or that did not happen in this or that way, et cetera.

"Question: Is your statement made in the form of an objection to further questioning?

"Answer: If, as I stated it now, there is a possibility of my being confronted with witnesses and to do something about testimony in my favor, I would be very glad to continue, but even so I have the feeling that it would be better to do this during the evidence at the Trial itself. I believe I should discuss this first with my defense counsel.

"Question: Well, if there is any question in your mind about whether you should go further in any interrogation by the Office of Chief of Counsel, or the U.S. representative to the International Military Tribunal, I think you should talk to your counsel, too. You have never been under any compulsion to answer either before or since this Indictment was

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served. I think you will agree your treatment has been fair in all circumstances."

Is that not correct?

KALTENBRUNNER: Yes, Mr. Prosecutor, it confirms exactly what I have been telling you. The material that you just read states that I did not agree that interrogations and discussions should be broken off suddenly. I said that I had never had any opportunity of speaking with the witnesses with whom I

was confronted. It confirms that I have asked you to bring me face to face with the witnesses, so that I might talk with them. I do not deny at all that I also said that I was glad that now I could start preparing my defense. Actually, that is so. But I did not say in the course of such a lengthy statement-it has not been read to me-and worded as no other interrogation has been worded with the exception of perhaps two or three, that I no longer place myself at the disposal of the interrogator. I stated just the opposite and you read that, too, that I am at the disposal of the interrogator.

COL. AMEN: Defendant, let us get to the Warsaw Ghetto. Do you recall from the evidence before this Tribunal that some 400,000 Jews were first put into the ghetto and then in the final action SS troops cleared out about 56,000, of which more than 14,000 were killed. Do you recall that evidence?

KALTENBRUNNER: I do not recall any details of this statement; what I know about this matter, I have already stated today.

COL. AMEN: Did you know that substantially all of these 400,000 Jews were murdered at the extermination plant at Treblinka? Did you know that?

KALTENBRUNNER: No.

COL. AMEN: What did you have to do with the final razing of the Warsaw Ghetto, nothing as usual?

KALTENBRUNNER: I had nothing to do with it, as I already stated.

COL. AMEN: I ask to have the defendant shown Document Number 3840-PS, which will become Exhibit Number USA-803.

[The document was submitted to the defendant.]

Were you acquainted with Karl Kaleske?

KALTENBRUNNER: No, that name is not known to me.

COL. AMEN: Does it help you to remember if I suggest to you that he was the adjutant of General Stroop?

KALTENBRUNNER: I do not know the adjutant of General Stroop; the name which you just mentioned to me, "Kaleske," I do not know either.

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COL. AMEN: Let us get to his affidavit. Have you got it before you now?

KALTENBRUNNER: Yes.

COL. AMEN: "My name is Karl Kaleske. I was adjutant to Dr. Von Sammern-Frankenegg from November 1942 until April 1943, while he was SS and Polizeifuehrer of Warsaw. I then became adjutant to SS and PolizeiFuehrer Stroop until August 1943. The action against the Warsaw Ghetto was planned while Von Sammern-Frankenegg was SS and Polizeifuehrer. General Stroop' took over the

command on the day of the commencement of the action. The function of the Security Police during the action against the Warsaw Ghetto was to accompany the SS troops. A certain number of SS troops were assigned to the task to clear a certain street. With every SS group there were from four to six Security Policemen, because they knew the Ghetto very well. These Security Policemen were under Dr. Hahn, Commander of the Security Police of Warsaw. Hahn received his orders not from the SS and PolizeiFuehrer of Warsaw, but directly from Kaltenbrunner in Berlin. This applies not only to the Ghetto action but to all matters. Dr. Hahn frequently came to our office and told the SS and Polizeifuehrer that he had received such and such an order from Kaltenbrunner, about the contents of which he wanted to inform the SS and PolizeiFuehrer only. He would not do this for every order but only for certain ones.

"I remember the case of 300 foreign Jews who had been collected in the Polski Hotel by the Security Police. At the end of the Ghetto action Kaltenbrunner ordered the Security Police to transport these people. During my time in Warsaw the Security Police were in charge of matters concerning the underground movement. The Security Police handled these matters independently of the SS and PolizeiFuehrer, and received their orders from Kaltenbrunner in Berlin. When the leader of the underground movement in Warsaw was captured, in June or July 1943, he was flown directly to Kaltenbrunner in Berlin."

Are these statements true or false, Defendant?

KALTENBRUNNER: These statements are, without exception, wrong. I will...

COL. AMEN: Just like all the other statements of all the other persons that have been read to you today? Is that correct?

KALTENBRUNNER: This statement is not correct. It is not true and can be refuted.

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COL. AMEN: That is what you have said about all the other statements I read to you today, is that not so?

KALTENBRUNNER: Mr. Prosecutor, I must...

COL. AMEN: Is that so?

KALTENBRUNNER: Yes. If you bring false accusations against me I must declare them to be false. I cannot say "yes" to everything of which you accuse me just because the Prosecution is wrong in determining who is Himmler's representative here.

COL. AMEN: All right, go ahead and say whatever you want.

KALTENBRUNNER: I ask you to bear in mind what I have said about the competency and rules regarding subordination of all Higher SS and Police Leaders in the occupied territories. All of them were directly subordinated to Himmler. The SS and Police Leaders of a smaller territory were subordinated to

the Higher SS and the Police Leader. The branches of the Order Police and of the Security Police were assigned to these SS and Police Leaders, who had the exclusive right to give them orders. The entire organization which thus operated in the occupied territories was excluded from the command jurisdiction of the central office of the Reich.

There are men here who can testify to the truth of what I have said. BACH-ZELEWSKI, who was questioned here, was only in the occupied territories and knows conditions there. There is also the Defendant Frank who had to work with such a Higher SS and Police Leader who later became his State Secretary.

COL. AMEN: Your lawyer can call these people. All I am asking you is whether or not this document is true or false and then asking you to make any brief pertinent explanation that you might wish to.

KALTENBRUNNER: This document is not correct. ..

COL. AMEN: We know about potential witnesses all over Germany, and we know all these defendants in the box have knowledge about most of these affairs, but that is not what I am asking you about.

I am merely asking you whether what was in that paper was true or false and you have said it is false; now, is there anything else you feel you have to say about it?

KALTENBRUNNER: It is not correct and this witness does not know . . .

COL. AMEN: Well, you said that six times.

KALTENBRUNNER: . . . does not know the conditions.

COL. AMEN: Well, how about General Stroop? Did he know anything about it?

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KALTENBRUNNER: If he was SS and Police Leader of Warsaw -and you have also shown me his diary and his filmreport-then, of course, yes. Stroop was subordinated to the Higher SS and Police Leader of this place. Stroop had to carry out the action on the order coming from Himmler via the Higher SS and Police Leader.

COL. AMEN: Stroop was a pretty good friend of yours, was he not?

KALTENBRUNNER: I probably have not seen Stroop more than two or three times in my life, at Reichsfuehrer Himmler's.

COL. AMEN: Well, if Stroop were here he at least would be in a position to tell the truth, would he not, about this Warsaw Ghetto affair?

KALTENBRUNNER: He would have to confirm my statement at least that he was subordinated to the Supreme SS and Police Leader in the Government General and that he was not subordinated to me. I should be very glad if he could confirm that immediately. From your words I must assume that he is in custody here.

COL. AMEN: Well, he is not in custody here, but fortunately we have an affidavit from him on exactly these matters about which I have been questioning you.

I ask to have the defendant shown Document Number 3841-PS, which will become Exhibit USA-804.

We will find out whether Stroop confirmed what you are trying to tell the Tribunal. You will accept what Stroop says, will you, Witness?

[The document was submitted to the defendant.]

KALTENBRUNNER: I have not read the document.

COL. AMEN: No; but I say, knowing Stroop and knowing the position which he held, you do not question but what he would tell the truth about the happenings in the Warsaw Ghetto, is that not what you have just said, in effect?

KALTENBRUNNER: The truth of a witness' testimony has been questioned before and rightly so. But as I do not know the document I cannot define my position as to Stroop's statement.

COL. AMEN: All right, we will read it:

"My name is Jurgen Stroop. I was SS and PolizeiFuehrer of the Warsaw District from 17 or 18 April 1943, until the end of August 1943. The action against the Warsaw Ghetto was planned by my predecessor, SS Oberfuehrer Dr. Von Sammern-Frankenegg. On the day when this action started I took over the command and Von Sammern-Frankenegg explained to me what was to be done. He had the order from Himmler before

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him, and in addition I received a teletype from Himmler which ordered me to evacuate the Warsaw Ghetto and raze it to the ground. To carry this out, I had 2 battalions of Waffen-SS, 100 soldiers of the Wehrmacht, units of the Order Police and 75 to 100 men of the Security Police. The Security Police had been active in the Warsaw Ghetto for some time, and during this program it was their function to accompany SS units in groups of six or eight, as guides and experts in Ghetto matters.

Obersturmbannfuehrer Dr. Hahn was Commander of the Security Police of Warsaw at that time. Hahn gave the Security Police their orders concerning their tasks in this action. These orders were not given to Hahn by me, but came from Kaltenbrunner in Berlin. As SS and PolizeiFuehrer of Warsaw I gave no orders to the Security Police. All orders came to Hahn from Kaltenbrunner in Berlin. For example, in June or July of the same year, I was together with Hahn in Kaltenbrunner's office and Kaltenbrunner told me that while Hahn and I must work together, all basic orders to the Security Police must come from him in Berlin.

"After the people had been taken out of the Ghetto-they numbered between 50,000 and 60,000-they were brought to the railway station. The Security Police had complete supervision of these people and were in charge of the transport of these people to Lublin.

"Immediately after the Ghetto action had been completed, about 300 foreign Jews were collected at the Polski Hotel. Some of these people were already there before the action, and some were brought there during the action. Kaltenbrunner ordered Hahn to transport these people away. Hahn himself told me that he had received this order from Kaltenbrunner.

"All executions were ordered by the Reich Main Security Office, Kaltenbrunner.

"I have read this statement and I have understood it completely. I have made the statement freely and without compulsion. I swear before God that this is the full truth." - Signed - "Jurgen Stroop."

Do you say that that statement of Stroop is true or false?

KALTENBRUNNER: It is untrue and I request that Stroop be brought here.

COL. AMEN: You will find that instead of its bearing out your story it confirms in substantially every detail the story told by I

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KALTENBRUNNER: It is not true, insofar as witness Stroop is one step closer to my story, for on Page 1 he declares he had received the orders regarding the Warsaw Ghetto from Himmler and this is something which Kaleske has never said anywhere.

COL. AMEN: I will accept that, Defendant.

KALTENBRUNNER: An interrogation of General Stroop will clarify this point completely, also that Hahn had, of course, received orders from the Gestapo in Berlin; whether in this matter, too, I do not know, since as a matter of course the offices of the Security Police had also to be at the disposal of Amt IV, particularly as far as support in legal proceedings was concerned. But what matters here, in an action taking place in the Government General and in Warsaw, is the question of what organizations were involved in this action and all witnesses versed in these matters will have to agree that this was within the jurisdiction of the Higher SS and Police Leader in the Government General, not to the Reich Security Main Office. It is completely incorrect that these Security Police forces in Warsaw and officials such as Hahn were not subordinate to the SS and Police Leader.

It can be testified to and ascertained that all Security Police offices, especially where an action of this kind was involved, could have only one leader and that was the local leader. But if, Mr. Prosecutor, you would give me again the opportunity of defining my position to these witnesses' statements more comprehensively through my defense counsel I could come back to this matter properly.

COL. AMEN: And now, Defendant, I want to refer you to Document 3819-PS, which is already in evidence as GB-306, which are notes of a conference in the Reich Chancellery on 11 July 1944, signed by Lammers and the subject of testimony before this Tribunal the other day. You recall having attended that meeting I presume.

[The document was submitted to the defendant.]

KALTENBRUNNER: I do not know yet. I do not know the purpose of that meeting.

COL. AMEN: You do not deny that you were there, do you?

KALTENBRUNNER: I do not know. This is the first time I have seen this document.

COL. AMEN: Now, look at Page 12, in the middle of the page, the sentence there, "In Paris, the evacuation of which was considered . . ."

DR. KAUFFMANN: Mr. President, may I ask for clarification of the question, whether it might have been more appropriate and correct if the Prosecution had questioned Lammers about this matter when Lammers was here on the witness stand.

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THE PRESIDENT: Was this put to Lammers?

COL. AMEN: Frankly, Your Lordship, I do not know. The document was introduced and identified, and I am not sure whether he was asked about it or not. Sir David says that he introduced the document with Keitel, at the foot of Page 9.

THE PRESIDENT: Very well, go on.

COL. AMEN: Have you found the place, Defendant?

KALTENBRUNNER: Yes, I have found the place.

COL. AMEN: "In Paris, the evacuation of which was considered, 100,000 to 200,000 workers could be recruited. In this connection . . ."

KALTENBRUNNER: No, Mr. Prosecutor, I have not found the place.

COL. AMEN: Well, it is just above the paragraph which commences, "The Chief of the Security Police, Dr. Kaltenbrunner." Can you find that spot?

KALTENBRUNNER: Yes, I have it now.

COL. AMEN: Well, passing to that sentence:

"The Chief of the Security Police, Dr. Kaltenbrunner, declared himself willing, when asked by the Plenipotentiary General for the Allocation of Labor, to place the Security Police at his disposal for this purpose, but pointed out their numerical weakness. For the whole of France he had only 2,400 men available. It was questionable whether entire age groups could be recruited with these weak forces. In his opinion, the Foreign Office must exercise a stronger influence on the foreign governments."

Is that a true reflection of what took place at that meeting, Defendant?

KALTENBRUNNER: I cannot say that concerning the wording of the document, but I might say in explanation that according to the introduction on Page 1 it was a "Cheftesprechung" (discussion of

chiefs), and that does not mean me, for I was Chief of the Reich Security Main Office. "Chetbesprechung" means the ministries and the chief Reich departments.

By questioning the witness Lammers it would have to be determined whether I was there on the orders of the Ministry of the Interior and Chief of the German Police, Himmler. That would have been possible. That I was there on the instruction of Himmler seems to become evident for me from the number mentioned. It mentions here that only 2,400 men were at our disposal. Neither the Security Police nor the SD, nor both together, ever had any number like that at their disposal. It must have included all the

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forces, even the Order Police and other small organizations, which were subordinate to Himmler.

Therefore, one thing, at least, is missing in this document; that is the explanation that Kaltenbrunner, on orders of Himmler, was giving Himmler's views; that at least is missing. But by questioning the witness Dr. Lammers, I am sure we can clarify this matter.

In any case, I would like to point out that it was my opinion that I could not be helpful in this matter because, first of all, negotiations between the Foreign Office and the competent foreign—that is, the French Government, were necessary. Measures to be taken there could not be introduced without the consent of the French Government.

COL. AMEN: All right, Defendant. Now, do you recall evidence given before this Tribunal about efforts made by Germany to incite the Slovaks to revolt against Czechoslovakia and that Hitler used the insurgency of the Slovakians as one of the excuses for occupying Czechoslovakia in March of 1939?

KALTENBRUNNER: I do not know who testified to that.

COL. AMEN: Well, in any event, during the year 1938 to 1939 it is a fact, is it not, that you were the State Secretary for Security in Austria? Is that right?

KALTENBRUNNER: No, I was not State Secretary for the Security Police. I was State Secretary for the security system of the Austrian Government at, Vienna, and there is an essential difference, because the Security Police in Austria was instituted and directed from Berlin.

COL. AMEN: Well, all right.

KALTENBRUNNER: And in Austria I had not the slightest influence—nor even my Minister—on the Security Police.

COL. AMEN: When did you become Supreme SS and Police Leader for Upper Austria with your headquarters in Germany?

KALTENBRUNNER: That is a complete misstatement. In Upper Austria there was no Supreme SS and Police Leader, only in Austria.

COL. AMEN: Well, when was it?

KALTENBRUNNER: That was after the liquidation of the Austrian Government and after its affairs had been settled; that can be verified exactly from the Reichsgesetzblatt. It was probably In the summer of 1941.

COL. AMEN: And is it not a fact that you, yourself, directed the activity of the Slovakian rebels and assisted them with explosives and ammunition? Answer that "yes" or "no," please.

KALTENBRUNNER: No.

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COL. AMEN: Do you recall having participated in any conference with respect to a plan for instigating this revolt of Slovakia?

KALTENBRUNNER: It is not correct; I did not participate in instigating anything like that in Slovakia. I did take part in the first Government conferences in Slovakia and in the presence of the Delegate of the German Reich.

COL. AMEN: Did your friend Spacil assist you in carrying out these plans?

KALTENBRUNNER: That I cannot recall today. In any case, they were not German plans. If you investigate the political situation in Slovakia at that time, you will clearly see that it did not need any instigation on the part of the German Reich. The Hlinka movement then under the leadership of Dr. Tuka and also of Dr. Tiso, I believe, had made this decision a long time ago.

COL. AMEN: Were you acquainted with Obersturmbannfuehrer Fritz Mundhenke?

KALTENBRUNNER: I did not quite catch the name.

COL. AMEN: Well, you will see it on this exhibit which I ask you to be shown now, Document Number 3942-PS, which will become Exhibit Number USA-805.

[The document was submitted to the defendant.]

Defendant, this is a fairly long exhibit, which I do not want to go through in detail; but I first call your attention to the opening lines:

"With respect to the occupation of Czechoslovakia, I recall that there were two different actions taken: the first one for the occupation of the Sudetenland and the border districts inhabited by German nationals; the second one for the occupation of Czechoslovakia proper...."

And the following lines:

"Some time before the second action, officers of Hlinka Guard (the illegal organization resembling the SS in the Slovakian part of Czechoslovakia) came to the office of SS Corps Area Danube, which at the time may still have had its original name of SS Oberabschnitt Osterreich."

Then follow the details of the plans for inciting this revolt. Then, coming to the end of the first paragraph, you will find the following:

"There were secret meetings to which I was not invited. I felt that I was not fully trusted. I saw the gentlemen only in Kaltenbrunner's anteroom and, as far as I can remember, in the dining room. I was told nothing about the object of the discussions which referred, without doubt, to the imminent action."

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Then he gives his reasons. And, passing to the second page, in the center, you will find the following:

"Kaltenbrunner alone was responsible for this action. In charge of the action was SS Standartenfuehrer Spacil (nicknamed Spatz) as far as the General SS is concerned. He was chief of the administration of SS Corps Area Danube and was called later on by Kaltenbrunner to Berlin and made administration chief at the Reich Security Main Office. Spacil was one of Kaltenbrunner's most intimate friends."

Then, at the close, Paragraph 1 and 2, and subdivisions:

"I have made this statement:

"(1) Not from a feeling of revenge or because I want to be an informer, but in the knowledge that in so doing I can serve in detecting crimes which I, as a German, am ashamed of;

"(2) With the full consciousness that because of my statements I will be slandered by the other side. I know the men who for years have been after me. But this shall not deter me from helping the spirit of justice to a victorious end."

I ask you whether the substance of that document, as I have given it to you, is true or false?

KALTENBRUNNER: Neither true or false; it is ridiculous and consequently untrue. The document can best be characterized by drawing attention to the fact that on the first page in the introduction it says:

"... the second one for the occupation of Czechoslovakia proper (called afterwards the Protectorate of Bohemia-Moravia and the Slovakian State)."

The fact that the Republic of Slovakia has never, in the course of history, been occupied by the German Reich is sufficient to reveal the ignorance of this witness, Mundhenke, who comes from North Germany and knows nothing about history or about politics. But this document contains so many details which can be clarified almost humorously that it becomes utterly worthless.

I would like to call your attention to Page 3 of the German text and explain to you who were the men responsible for the individual big political actions which led to the occupation of Czechoslovakia.

The first is a Franz Kourik who was a chauffeur. The second is Karl Spitt also a chauffeur. The third is an SS man whose name is Apfelbeck, son of an innkeeper and a butcher by trade, and who worked as an

assistant official in the administration after he had suffered a grave skull injury in a motor accident. Stadler, a small bookkeeper, and the man Petenka are unknown to me.

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These men are supposed to have prepared, with me, the occupation of Slovakia by the Reich. That is utter nonsense. Excuse me for calling it so, Mr. Prosecutor, but it is and remains...

COL. AMEN: Very good, Defendant. All right. That is nonsense.

KALTENBRUNNER: One thing is true in this document and I want to come to that. I was with members of the Hlinka Guard in this house in Vienna, Park Ring 8, and I did hold a conference with them. This dealt with the union of the group of racial Germans in Slovakia and the Hlinka Guard, with a view to nominating joint candidates in the Slovakian Government. Documents prove it and files, in Pressburg at least, where my name was sufficiently known. Everybody knows it there and can confirm it, including this man Mundhenke, the leader of the racial group. But as an occupation of Slovakia never took place at all, in my opinion there is no need for me to defend myself against this accusation.

COL. AMEN: Defendant, in the course of this Trial the order of Himmler to the effect that the civilian population should not be punished for lynching Allied airmen has been introduced in evidence, and you have heard the sworn statement of Schellenberg and Gerdes to the effect that you, in your capacity as Chief of the Security Police and SD, issued such instructions to your subordinates. Do you deny these statements? "Yes" or "no," please.

KALTENBRUNNER: I do not wish to deny them, but I emphatically state that I never gave any such instructions, and I ask the Tribunal to allow my counsel to read the paper which I gave to him at the beginning of the session. This contains literally the testimony of the witness Koller, the Chief of Staff of the Luftwaffe, defining my general attitude towards this problem—that even in the presence of Hitler I declared, "I will not obey such an order." That took place somewhat later, but it shows my own personal feelings about the matter. I made a statement to my counsel already yesterday about this question.

COL. AMEN: All right, Defendant; now take a look at Document Number 3855-PS, which will become Exhibit Number USA-806. This bears your own name at the bottom, whether it be a signature, facsimile, or anything else you choose to call it. Have you the document before you?

KALTENBRUNNER: Yes.

COL. AMEN: You will note that it comes from the Chief of the Security Police and of the SD, and according to the notes in the upper lefthand portion was prepared for your signature by Amt IV A 2 B. Number 220/44 g RS.

KALTENBRUNNER: That is, Mr. Prosecutor, the first and a very grave mistake.

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COL. AMEN: All right.

- "a) To all commanders and inspectors of the Security Police and the SD (for oral communication to the subordinated of fires);
- "b) To Groups IV A and IV B. Sections IV A 1, IV A 3, IV A 4 IV A 6, IV B 1 IV B 4;
- "c) To Office V, Reich Criminal Police Office, for information to the Higher SS and Police Leaders, to the Chief of the Under Police;
- "d) To Chiefs of Offices IIII and IV of the Reich Security Main Office.

"Subject: Treatment of enemy airmen who have bailed out.

"Reference: none.

"A series of questions dealing with the treatment of enemy airmen who have been shot down needs clarification:

"I. As a general rule captured enemy airmen are to be shackled. This measure is necessary and is made with the full consent of the Chief of the High Command of the Armed Forces; a) in order to prevent frequent escapes, and b) in view of the severe shortage of personnel at the collecting stations.

"II. Enemy air crews, who a) offer resistance when captured, or b) wear civilian clothes under their uniforms are to be shot at once when captured.

"III. Most enemy airmen, especially of the Anglo-American air forces, carry with them escape bags filled with daggers, various kinds of maps, ration coupons, tools for escape, et cetera.

"It is absolutely necessary that escape bags be secured by the Police, as they are of the greatest assistance when making a search. They must be given to the Luftwaffe..

IV. The order of the Reichsfuehrer SS of 10 August 1943" -which I believe you also testified you know nothing about _ "is not being carried out in full, as it has probably not been passed on orally, as ordered, to the subordinate police offices.

"It is therefore repeated: It is not the duty of the police to interfere in conflicts between the Germans and English and American 'terror-fliers' who have bailed out.

"V. Near the body of an English airman who had been shot down a brassard with the inscription 'Deutsche Wehrmacht' and an official stamp was found. This brassard is only worn by combat troops, and it gives the bearer access to all military and strategically important points in the various operation

zones. Parachuted enemy agents will probably make use of this new means of camouflage.

"VI. During the past months individual cases have shown that the German population does seize enemy airmen but afterwards, while waiting for them to be handed over to the police or the Armed Forces, it

does not use the proper restraint. Too strict measures on the part of the State Police against these citizens would keep them from seizing enemy airmen without restraint, since these cases must not be confused with the criminal act of helping escaped enemy airmen.

"Reichsfuehrer SS has ordered the following measures to be applied to citizens who conduct themselves in a dishonorable manner towards captured enemy airmen either out of bad intentions or misunderstood pity:

"1) In especially severe cases, transfer to a concentration camp; announcement in the newspapers of the district

"2) In less severe cases, protective custody for not less than 14 days at the competent State Police office; employment in the clearing of damaged areas. Should there be no damaged area affording such employment within the jurisdiction of one State Police office, the short term protective custody sentence is to be served at the nearest State Police office, et cetera.

"The Reichsfuehrer SS has contacted Reichsleiter Bormann in this matter and has pointed out that it is the duty of the Party officials to instruct the population to observe absolutely necessary restraint towards enemy airmen.

"3) I leave it to the commanders and inspectors of the Security Police, and the SD to notify in writing the subordinated offices of Sections V and VI of the above decree.

"Signed: Dr. Kaltenbrunner; Certified: Rose, of lice clerk."

Do you deny having had anything to do with the issuance of that document? Do you deny that you signed it?

KALTENBRUNNER: This order was never submitted to me. I refer you to what I said yesterday concerning questions of direction and issuing of orders in the Secret Police office, Amt IV A which appears at the head of the letter indicating that it formulated it. In these matters this Amt was directly subordinated to Himmler.

THE PRESIDENT: I have not heard the answer to the question. Did you sign it?

KALTENBRUNNER: No.

COL. AMEN: You deny your signature and you deny knowing anything about this document bearing your name, is that correct?

KALTENBRUNNER: Mr. Prosecutor, I . have . . .

COL. AMEN: Will you answer that, Defendant? You deny this document just like you have denied every other document that has been shown to you today, is that correct?

KALTENBRUNNER: I already stated yesterday, and also told my defense counsel, that these documents were never submitted to me. I should know it today. To a certain degree I am to blame for not having paid more attention as to whether such orders were issued in my name. I never denied yesterday that I was partly to blame in this respect but my position to this question can be clearly seen from Koller's testimony.

THE PRESIDENT: I do not understand. Are you saying that the signature on the document is not yours, or that you may have signed it without looking at the decree? Which are you saying?

KALTENBRUNNER Your Lordship, this document and this decree were never submitted to me. To sign such a document would have been completely against my inner attitude towards the entire problem. My attitude in this matter can be seen from Koller's testimony.

THE PRESIDENT: I am not asking you what your inner attitude is. I am asking you whether the name on it is written by your hand.

KALTENBRUNNER: No.

THE PRESIDENT: The Tribunal would like to look at the document.

COL. AMEN: It is a typewritten signature, Your Lordship.

THE PRESIDENT: Yes; let us look at the document.

Defendant, who is Rose?

KALTENBRUNNER: I do not know, Your Lordship.

THE PRESIDENT: Colonel Amen, can you give any idea how long you will be with your crossexamination?

COL. AMEN: Perhaps half an hour, depending on the answers of the defendant.

THE PRESIDENT: Very well. Then the Tribunal will adjourn. We will sit tomorrow at 10 o'clock to continue this part of the case, and will adjourn at half past 12 in order to hear Dr. Thoma and the Prosecution upon his documents.

[The Tribunal adjourned until 13 April 1946 at 1000 hours.]